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Victim/Witness Assistance Board

Commonwealth of Massachusetts

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THE VICTIM BILL OF RIGHTS:

THE MASSACHUSETTS EXPERIENCE

FISCAL YEARS 1985 TO 1987

REPORT TO THE MASSACHUSETTS LEGISLATURE

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THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133

CHAEL S. DUKAKIS
GOVERNOR

August, 1987

Dear Friends:

I am pleased to present this report which documents the successful efforts made over the last three years by victim and witness programs across the Commonwealth.

When I signed the Victim Bill of Rights which the legislature passed in December 1983, Massachusetts sent a clear message that the rights of crime victims were every bit as important as the rights of criminal defendants. For too long, victims of crime had been subject to injustices, indignities and indifference by a criminal justice system that was meant to protect the interests of all our citizens.

The rights guaranteed under the Victim Bill of Rights, and the services provided by the advocates of the victim and witness assistance programs, ensure that crime victims are no longer forced to negotiate and endure the criminal justice system alone. No longer are victims placed on the witness stand unprepared and without warning. No longer are the lives of victims disrupted because no one told them a court date had been changed or a trial continued. No longer do the special emotional needs of victims go unattended. No longer are victims forced to stand mute while a convicted offender is released or given a lenient sentence. No longer are victims treated merely as state's evidence, and then forgotten.

Massachusetts now provides caring, concern and support to the victims of crime and they in turn are better prepared to effectively participate in the prosecution of those who have victimized them.

Sincerely,

Michael S. Dukakis
Governor

THE COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF THE ATTORNEY GENERAL

JOHN W. McCORMACK STATE OFFICE BUILDING
ONE ASHBURTON PLACE, BOSTON 02108-1698

MES M. SHANNON
TORNEY GENERAL

Dear Friends:

We in Massachusetts should be proud of the efforts we have made to assist victims and witnesses.

These efforts include legislation that acknowledged the rights of victims and, as importantly, set forth the means by which these rights would be effectuated. The creation of the Victim and Witness Assistance Board and the Massachusetts Office for Victim Assistance marked a commitment to victims that is real, not rhetorical. From this beginning Victim and Witness Assistance Programs in Massachusetts have grown to the varied and comprehensive services described in this report.

While this report summarizes the services available to victims, words cannot fully capture the human dimensions of these programs. Victims' wounds can be more than physical; victimization can also endanger individuals' financial and emotional health. The victim assistance programs described in this report help heal these wounds by offering services that range from compensation to counseling. Only by meeting these human needs can we restore to injured persons the belief that despite violent crime, ours is a society of compassion and cooperation.

Very truly yours

JAMES M. SHANNON
ATTORNEY GENERAL

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INTRODUCTION

The last 10 years have witnessed a dramatic transformation in the treatment of crime victims by the criminal justice system. The system's traditional and narrow emphasis on the apprehension, prosecution, and conviction of criminal offenders has been broadened in the last decade by the recognition that much more had to be done to protect the rights, and to provide for the needs, of the innocent victims of crime.

The physical, emotional and financial injuries that victims suffer because of crime have been extensively documented. Less well known, but equally painful for the victim, was the so-called "second injury" inflicted on victims by a criminal justice system that has historically considered victims as little more than useful evidence in the pursuit of a successful prosecution. Victims of crime were the forgotten parties of the criminal justice system -- indeed, they were not even officially recognized as a party. Rape and murder and other heinous offences were crimes against the state, not assaults against single individuals.

Prior to the positive reforms achieved in the last several years, victims were offered little or no information about a case, subjected to long delays and postponements in court proceedings, and asked to participate without compensation for time away from work. They were given no reimbursement for transportation or provision for child day care, placed on the witness stand with scant preparation, and denied their property for long periods of time if it was held as evidence. Until the criminal justice system began to pay attention to the special needs of victims, they were forced to wait outside the courtroom in the company of defendants and their friends, infrequently told if a case was negotiated or an offender released, and rarely allowed to tell the court in their own words how a crime had affected their lives.

In 1982, the President's Task Force on Victims of Crime issued a harsh indictment against this system which had for too long ignored the very citizens it was meant to serve.

"Victims who do survive their attack, and are brave enough to come forward, turn to their government expecting it to do what a good government should -- protect the innocent," the task force's report asserted.

"The American criminal justice system is absolutely dependent to these victims to cooperate. Without the cooperation of victims and witnesses in reporting and testifying about crime, it is impossible in a free society to hold criminals accountable. When victims come forward to perform this vital service, however, they find little protection. They discover instead that they will be treated as appendages of a system appallingly out of balance. They learn that somewhere along the way the system has lost track of the simple truth that it is supposed to be fair and to protect those who obey the law while punishing those who break it," the report documented.

The President's Task Force on Victims of Crime was a reflection of a victim rights movement that had gained national prominence throughout the United States since the mid-1970s. Advocating the just and fair treatment of victims, the movement accomplished significant victories in the legislative, the judicial, and the executive branches in all states, and in the federal government. After many years of neglect, crime victims and their rights received much greater attention in the administration of justice. The advances in victims rights were seen in public policy changes achieved legislatively and programmatically. The emergence of victim and witness assistance programs aided victims significantly by securing important safeguards and services for victims.

These developments reinforced the conviction that justice cannot be achieved if victims' interests are not taken into account, or if the victim is denied meaningful participation in the criminal justice system. Victim involvement in the criminal justice system, and victim rights reforms guaranteed in law, held out the promise of a criminal justice system that was more effective, more just, and more humane.

In the 1980s, growing concern for the rights of crime victims led to statutory recognition of these rights throughout the country.

The first Victim Bill of Rights was passed in Wisconsin in 1980. Since then, 43 states have enacted Victim Bills of Rights. These laws vary widely in their particular provisions, but they all mandate that certain basic services be provided to victims, and that the criminal justice system adopt reforms to accommodate the special needs of victims.

Among the rights guaranteed by these laws are: the right of victims to be notified of court dates, the status of cases, and the release of an offender; the right of victims to attend court proceedings; the right of victims to be given assistance with financial aid and social services; the right of victims to be protected from intimidation; the right of victims to have their property returned in a timely fashion once it has been used as evidence; the right of victims to secure waiting areas in courthouses; the right of victims to actively participate in criminal justice proceedings; the right of victims to employer and creditor intercession services; and the right of victims to speedy disposition of trial.

The Massachusetts Victim Bill of Rights was signed into law by Gov. Michael S. Dukakis in December 1983. By guaranteeing victims and witnesses the right to caring and humane treatment from the criminal justice system, this landmark law distinguished Massachusetts as a leader in the victim rights movement.

This report documents the efforts that have been undertaken to fulfill the promises which were made to victims and witnesses when the Victim Bill of Rights became law. Section I of the report outlines the specific provisions of the Massachusetts Victim Bill of Rights and the dedicated fund that finances the victim and witness assistance programs administered by the state's 11 district attorneys.

Sections II and III describe the duties and accomplishments of the Victim and Witness Assistance Board, and the steps taken by district attorneys to provide those services mandated under the Victim Bill of Rights. Sections IV and V provide summary descriptions of the state's 11 victim and witness assistance programs, and the special units established by district attorneys to target services to specific victim populations.

Sections VI and VII of the report detail the direct victim services provided by the Attorney General's Office, and the Parole Board. Section VIII reviews the federal Victims of Crime Act and the community-based programs given grants by the Victim and Witness Assistance Board to provide services to victims of crime. Section IX outlines the legislative accomplishments and initiatives of the Victim and Witness Assistance Board on behalf of victims. Section X provides information on the collection of penalty assessments for the Victim Assistance Fund.

I. MASSACHUSETTS VICTIM BILL OF RIGHTS

Victim Bill of Rights-an Overview

Massachusetts was placed at the forefront of the national victim assistance movement when the state's Victim Bill of Rights became law in March 1984. The Victim Bill of Rights gives victims, their families and witnesses of crime legal rights within the criminal justice system.

Victim Bill of Rights-Mandated Services

The Victim Bill of Rights requires that victims be notified when a case is coming to trial, when they must appear in court, and when criminal proceedings have been continued. This statute requires that victims and witnesses receive protection from harm and intimidation, and that they be informed when an offender has been released on bail, or from a correctional facility, or has escaped. The Victim Bill of Rights requires that the district attorney's office assist victims in securing needed social services, restitution, victims compensation and witness fees.

The Victim Bill of Rights requires that district attorneys intercede with employers and creditors who threaten victims and witnesses with financial loss for cooperating in criminal court proceedings. The statute gives victims the right to a prompt disposition of their case and the timely return of personal property that was held as evidence.

Perhaps one of the most significant provisions of the Victim Bill of Rights is the right of victims to make a statement to the court explaining how the crime has affected their lives. At sentencing, the victim may elect to make an oral statement in the presence of the defendant, or the victim may file a written statement. The law also requires the district attorneys office to prepare and file with the court a victim impact statement detailing the physical, financial and psychological loss suffered by the victim as a result of the crime.

Victim and Witness Assistance Fund

The Massachusetts Victim Bill of Rights established a dedicated Victim and Witness Assistance Fund to finance services for crime victims and witnesses. Under the law, convicted felons are assessed $25 when they are sentenced, and those guilty of lesser crimes must pay $15 into the fund. In FY 85, $2.5 million was raised through penalty assessments collected from those convicted of crime in Massachusetts. In FY 86, $3.45 million was collected in penalty assessments. Through June 1987, Victim Assistance Fund receipts totalled $4.47 million.

II. VICTIM AND WITNESS ASSISTANCE BOARD

To guarantee that its provisions are effectively administered, the Victim Bill of Rights established a five-member Victim and Witness Board chaired by the Attorney General or his designee. The remaining members of the Board are appointed by the Governor and consist of two district attorneys and two public members, one of whom must be a victim. The present members of the Victim and Witness Assistance Board are: Kevin M. Burke, Essex County District Attorney; Margaret Grogen, public member; Barbara Kaplan, victim representative; Anthony J. Ruberto Jr., Berkshire County District Attorney; and Robert V. Ward, chair designee of Attorney General James M. Shannon. From March 1984 until February 1987, John C. Cratsley served as the chair designee of former Attorney General Francis X. Bellotti. Phyllis Segal served as acting chair for Attorney General Shannon until Robert Ward's appointment.

The Board reviews and approves the program plans of the victim and witness assistance programs administered by the district attorneys to ensure that disttrict attorneys fulfill their mandates under the Victim Bill of Rights. The Board also awards Victim Assistance Fund grants to the district attorneys to operate their victim and witness assistance programs, and promulgates regulations that assist district attorneys in providing the mandated services to victims of crime.

In September 1984, the executive office of the Board was created to help the Board enforce the state's Victim Bill of Rights. The Massachusetts Office for Victim Assistance (MOVA), the Board's executive staff, assists the Board in awarding state and federal grants to victim programs in the community and within the criminal justice system. MOVA also monitors Victim and Witness Assistance Fund collections; provides technical assistance to victim programs; drafts and lobbies legislation enhancing the rights of victims and witnesses; conducts public awareness campaigns on issues affecting victims of crime; and acts as liaison between the public and government agencies to expand and improve the assistance given to those touched by the tragedy of crime. The activities of MOVA are funded entirely through penalty assessments imposed on those convicted of crime.

State Victim and Witness Assistance Programs

In FY 85, an $800,000 state appropriation was given to the district attorneys for victim and witness programs to implement the Victim Bill of Rights. In FY 86, The Victim and Witness Assistance Board distributed over $2 million from the dedicated Victim Assistance Fund to victim and witness programs in 10 district attorney's offices.

In FY 87, district attorney programs were given $2,415,000 in direct formula grants based on population, the level of crime, court caseloads and the number of criminal court sessions, The Victim and Witness Assistance Board also awarded another $480,000 in discretionary grants in FY 87 to select district attorneys for mandated services to underserved and unserved victim populations.

In FY 87, the Victim and Witness Assistance Board expanded funding to other criminal justice agencies, including the Attorney General's Office and the Parole Board.

Federal VOCA Programs

In addition to the state funds, the Victim and Witness Assistance Board administers federal victim assistance program monies. The federal Victims of Crime Act of 1984 (VOCA) imposes penalty assessments on those convicted of federal crimes for the purpose of funding victim compensation and victim service programs throughout the country.

In FY 86, Massachusetts received $1.3 million in VOCA funds, and as conduit for this federal program the Victim and Witness Assistance Board distributed $972,000 to 27 community programs serving victims needs for crisis intervention, counseling, and legal assistance. The remaining $357,000 was administered by the Attorney General's office to directly compensate victims of crime.

Seven battered women's service groups and shelters, four multi-service centers, three counseling centers, one police department, and one refugee resettlement agency were among the recipients of VOCA funds in FY 87. The 27 programs are located in 13 counties and directly serve victims in 200 of 351 cities and towns in Massachusetts.

Victim and Witness Assistance Fund Collection Monitor

MOVA monitors the collection of penalty assessments into the Victim and Witness Assistance Fund through the State Treasurer's Office, and then compiles and analyzes this data to determine comparative levels of collections by each court and each jurisdiction. A monthly collection report ranking each court and jurisdiction's collections is distributed each month to appropriate criminal justice agencies.

Training

The Massachusetts Office for Victim Assistance has initiated a statewide training program to ensure that victim service personnel are properly trained to provide comprehensive services to all victims of crime. In addition, training of allied professionals in criminal justice, mental health, and medicine has been conducted.

Legislation

To help enforce and improve the Victim Bill of Rights, The Victim and Witness Assistance Board researches, drafts and lobbies legislation relating to victims issues. With the assistance of the Board, significant legislative reforms were achieved when Governor Dukakis signed into law bills expanding the state's compensation statute to include victims of drunk driving and other vehicular crime; amending the compensation statute to expand benefits and ensure continued Massachusetts eligibility for federal Victims of Crime Act funds; allowing the videotaped testimony of children in sexual abuse cases to be entered into court.

The Board continues to lobby for bills mandating victims' services in the Office of the Attorney General; creating a Child Victim's Trust Fund; extending the statute of limitations for prosecutions of child abuse crimes; allowing victims, and victims' attorneys, to attend juvenile court proceedings; and ensuring certain protections for victims who testify in court.

Since its inception, the Victim and Witness Assistance Board has actively supported legislation establishing a Protection from Abuse Fund; requiring courts to consider restitution as an element of the final disposition of a case; and creating more stringent penalties for persons who intimidate witnesses.

Interagency Liaison

As an independent agency of state government, MOVA is able to bring support to the efforts of the many departments and agencies serving the needs of crime victims in the Commonwealth. In this role, MOVA has worked closely with such groups as the Probation Department, the Department of Corrections, the Parole Board, the Criminal History Systems Board, the Executive Office of Human Services, the Attorney General's Victim of Violent Crime Compensation Division, and the Governor's Committee on Criminal Justice to develop new procedures, protocols and services for victims.

Direct Services

While MOVA is primarily an administrative office, it is often the first contact that crime victims have with state government and the victim support network. Trained MOVA staff members are routinely called upon to provide counselling and support to victims who contact the office after a victimization. When appropriate, MOVA refers victims to other agencies which provide direct services.

As the central resource for information about services to crime victims in Massachusetts, MOVA provides referral information both to crime victims and to the agencies that serve them. Staff has responded to hundreds of inquiries from victims, families of victims, witnesses, the media, and professionals in the social services, medical and criminal justice fields seeking information on victims' rights, available services for victims, and on the status of pending legislation that affects victims.

Clearinghouse

The Massachusetts Office for Victim Assistance has developed a library which includes state and national legislation and training materials. The executive office responds to requests for information on the Victim Bill of Rights, the Victim of Violent Crime Statute and other state activities in the victim assistance field.

The staff provides materials to victim and witness service programs, state agencies, and private organizations for training and informational purposes.

III. DISTRICT ATTORNEY VICTIM AND WITNESS ASSISTANCE PROGRAMS

The centerpiece of the state's response to the needs of victims of crime is the victim/witness assistance program administered in the 11 district attorney's offices. It is these programs which have the most direct contact with the thousands of victims and witnesses proceeding through the criminal justice system each year.

Prior to enactment of the Massachusetts Victim Bill of Rights in 1983, most district attorneys administered victim and witness programs, but these programs operated with limited staffs on limited budgets. After passage of the Victim Bill of Rights, each district attorney was awarded an initial $72,000 grant to begin assembling their victim assistance staffs, and 44 advocates were added in FY 1985. As Victim Assistance Fund revenues increased, district attorneys installed victim advocates in nearly every court of the Commonwealth.

Under the Victim Bill of Rights, crime victims and witnesses are guaranteed a number of important new services that the district attorneys are principally responsible for providing. The following section highlights the services mandated under the law:

The Right to be Heard

Crime victims are entitled to file a Victim Impact Statement with the court prior to final disposition and sentencing. This statement details the financial, physical and psychological loss suffered as a result of a crime. Victims are typically informed of this important right when they first contact a victim and witness assistance program. Pamphlets and brochures explaining the victim's right to be heard by the court have been prepared by district attorneys, and impact statements are given to victims to prepare at the outset of a case. Assistant district attorneys and victim and witness advocates often assist victims with the preparation of their impact statement. Copies of the impact statement are incorporated into the official court record, and are provided to defendants and their counsel.

Under the law, victims may also address the court in person if they wish. In those cases, victim and witness advocates accompany the victim to court when the statement is delivered. If there is the possibility that a case will be plea bargained at the pre-trial conference, victims in most cases are notified beforehand, and are given the opportunity to be present and address the court on a recommended sentence.

District Attorneys Obligation to Prepare Impact Statement

In addition to granting victims the right to make a statement to the court, the Victim Bill of Rights also mandates that district attorneys prepare a written statement which documents the impact of the crime on the victim. This statement is filed with the court as part of the pre-sentence report in felony cases. victim and witness staff often help assistant district attorneys in preparing this statement.

Some victim and witness programs have developed special impact statement forms to ensure that the statements are filed. Other programs have established protocols requiring the statements to be completed on a given day prior to final disposition of a case.

The victim's own impact statement is similar to the statement filed by the district attorney's office, which details the effect of a crime on a victim and gives an accounting of actual losses or damages. A 1986 amendment to the Victim Bill of Rights allows a victim to request that the court submit the impact statement to the parole board for inclusion in an offender's file. Assistant district attorneys consult with victims prior to making sentencing recommendations.

The suggestions of victims and their families can often be incorporated into the special conditions of the sentence -- such as mandatory counseling, or stay-away orders.

Court Appearance Notification Services

Victim and witness assistance personnel are required to notify all victims when they are scheduled to appear in a court proceeding. With the assistance of court clerks, local police, and assistant district attorneys, victims and witnesses are also kept informed of case developments and possible delays in proceedings. Several victim and witness programs are developing computer systems that will automatically inform victims when there are changes in the status of their cases. To minimize the amount of time victims and witnesses spend in court, advocates attempt to arrange appearance dates that are convenient for them, and in some cases place victims on-call.

Information on Witness Fees, Compensation, and Restitution

Victim and witness assistance advocates are responsible for providing victims and witnesses of crime with information that will help them secure witness fees for participating in a criminal proceeding, victim compensation where there has been physical injuries resulting in financial loss, and monetary restitution from a criminal offender. All advocates are trained to assess the special needs of victims of crime and to determine whether victims may be eligible for financial awards. Brochures on compensation and restitution are usually sent to victims with their initial case status letter, or distributed during the initial interview; and advocates work with assistant district attorneys to identify those victims and witnesses who might be eligible for state assistance. Advocates assist in documenting and verifying the losses suffered by victims, and work actively with probation departments and employment agencies to ensure that offenders pay restitution after it has been ordered.

Escort and Transportation Services

Victims and witnesses who cannot provide their own transportation to court hearings and trials are entitled to special assistance under the Victim Bill of Rights. In urban areas, victim and witness programs will often reimburse victims

for the costs of taking mass transportation, but in rural areas where public transportation is limited or nonexistent advocates must sometimes transport victims and witnesses themselves.

State and local police are frequently asked to assist in transporting victims and witnesses to court, and these agencies have been cooperative. Several district attorney programs have contracts with local taxi companies to shuttle victims and witnesses to trials and hearings.

Notification of Case Disposition

When there is final disposition of a criminal case, victims and witnesses are informed by the district attorney's office. Victim assistance staff also notify victims and witnesses when a district attorney has settled a case at a pre-trial plea session.

In some cases, victims are also informed in advance of the prosecutor's recommended sentence. District attorney and victim and witness staff contact victims before and after a disposition to discuss the correctional status and parole eligibility of an offender, the likelihood of appeal, and, if appropriate, the terms of possible probation and restitution. Using computers, several programs are developing a system that will automatically inform victims and witnesses of the final disposition of a case. In those instances when a victim chooses to be present in court at sentencing, victim and witness advocates personally accompany the victim to the session.

Custodial Release Information

Under the Victim Bill of Rights, victims of crime have the right to be informed by custodial authorities whenever an offender is given a temporary, provisional or final release from custody. Since the passage of this law, victim and witness assistance staff have worked closely with law enforcement officials, court clerks, correctional authorities, and the parole board to ensure that this right of notification is effectively provided.

Employer and Creditor Intercession

When victims or witnesses are threatened with financial hardship from employers or creditors as a result of their cooperation with the criminal justice system, victim and witness personnel are responsible for interceding on their behalf. Employers and creditors are typically provided with verification letters explaining why a victim or witnesses' participation is essential for the prosecution of a case. If a victim is eligible for state compensation, victim assistance advocates notify creditors and attempt to forestall further punitive action should a victim be temporarily unable to continue payments. When necessary, victim assistance advocates personally meet with employers to secure their cooperation in limiting or curtailing any loss of pay or benefits that an employee would suffer as a direct result of their participation in the criminal justice process.

Expedited Return of Property

Under the Victim Bill of Rights, victims and witnesses are entitled to have returned in 10 days all property that was stolen or used for evidentiary purposes, unless it is still needed for prosecution purposes, is contraband, or if ownership is being disputed. Victims and witnesses are asked to complete property release forms, and it is the responsibility of the court, the district attorney or other law enforcement authorities to promptly return the property once it is no longer needed at trial. In most jurisdictions, photographs and video tapes of property have been presented at trial in place of the actual physical evidence. This practice has minimized delays in returning property to its owner.

Protection Services

Threats of violence against victims and witnesses who are cooperating with authorities are taken very seriously by the victim and witness assistance programs. When victims and witnesses first contact the district attorney's office they are told of the possible retaliation they could encounter from offenders, and of the ways to protect themselves.

Brochures and other information are given to victims and witnesses instructing them on how to find safe shelter in the event that someone threatens their safety. Victim and witness advocates, local police and sheltering agencies respond quickly when a victim or witness is threatened. Victims and witnesses are instructed to immediately contact an advocate if they are threatened, and police are frequently asked to increase surveillance of a victim's home or provide them with safe escort as needed. In some cases, advocates have arranged overnight lodging for victims and witnesses, or transportation out of an area when they have been confronted by threats of violent retaliation from an offender. Advocates also provide support in court for victims who have been threatened or intimidated.

Family Support Services

The Victims Bill of Rights entitles victims and witnesses to child care and other family support services throughout the duration of a criminal case. Advocates are responsible for arranging with local social service agencies to provide child care services for the children of victims and witnesses, but in some cases advocates, student volunteers and district attorney staff provided care for children themselves. Several programs have negotiated agreements with local, state-approved day care centers to provide services on a temporary basis when other arrangements cannot be made. Transportation and day care fees are provided by the victim and witness assistance programs when needed.

Safe Waiting Facilities

Victim and witness assistance personnel are required to provide safe waiting areas for victims and witnesses during a trial or hearing, but the crowded condition of many courthouses in the Commonwealth has made the provision of this service difficult, and in some cases, impossible. Some districts have rented outside office space to accommodate victims and witnesses if courthouses lack facilities. Others have used available space in the district attorney's office as a secure waiting area. But most districts report that available space for victims and witnesses remains a critical concern.

BARNSTABLE, DUKES, NANTUCKET COUNTIES
(Cape and Islands District)

Population: 177,921
Crime Index: 11,229
Square Miles: 549
District Attorney: Philip A. Rollins
Program Director: Patricia S. Blair

The Cape Cod and Islands Victim and Witness Assistance Program increased its services to victims by at least 300 percent between fiscal year 1985 and fiscal year 1986. The addition of three victim and witness assistants plus a part-time secretary in that fiscal year made this growth possible in the four district courts and three superior courts. In fiscal year 1987, the Barnstable Victim and Witness Assistance Program consists of four full-time advocates, and a secretary.

The Orleans Second District Court, the Dukes County District and the Superior Courts are currently covered by a victim and witness advocate on a regular basis. Barnstable District and Superior Courts have also greatly increased victim assistance coverage. The program director covers the Nantucket District and Superior Courts as needed. The program's increased staffing has resulted in more victims being provided assistance in a timely and orderly fashion. Court date notification services have also significantly increased through the services of a part-time secretary.

With the addition of staff from grant awards, the Victim and Witness Assistance Program was able to offer new programs to victims, and improve the administration of those already existing. Specific assistant district attorneys for all District and Superior Courts have been designated as victim and witness liaison personnel to address concerns of victims in their particular court.

The Cape and Islands jurisdiction is unique because it contains three islands, three counties and experiences an overwhelming population increase during the summer months. In addition, the resident population growth is the most rapid within Massachusetts. This seasonal and resident population growth brings with it the attendant problems of increased crime -- which creates particular problems for victimized tourists who must return to the Cape and the Islands for court proceedings.

Despite the increase in services, the basic goals of the program remain consistent and clear: to directly service the needs and concerns of victims, and to increase sensitivity towards victims among court personnel and the general public. To accomplish this, it remains the priority of victim and witness advocates to accompany, and remain with, victims in the court room. Assistant district attorneys have also begun meeting with victims and witnesses in their homes prior to court proceedings to discuss cases and related issues.

Increased sensitivity to victims is also displayed by assistant district attorneys who routinely request updated victim impact statements for the Appellate Court Division and the Parole Board when appropriate. Because of the program's efforts in this area, district and superior court judges expect victim impact statements as a matter of course before they impose a sentence, or sentences.

The Cape and Islands Victim and Witness Assistance Program has concentrated on a hands-on, in-depth approach to victims needs during this period of growth. The district will continue to improve these services before expanding to other services -- understanding that the district contains unique victim populations, such as the retired elderly, the homosexual population of Provincetown, and tourists. In fiscal year 1987, the office improved services to gay and lesbian victims of violence.

The program director maintained close contact with representatives of Provincetown's homosexual population, which was especially important during recent summer months when there was an increase in criminal attacks against gays and lesbians.

The district also suffers the affects of a high seasonal unemployment rate with the resulting problems of family instability and drug and alcohol abuse. These special problems will be targeted for services in the future once the general population's needs have been adequately met.

Under the guidance of the Victim and Witness Assistance Program director, a Survivor's Group was organized in 1986. Its purpose is to identify and serve the needs of the families of victims of murder, manslaughter or motor vehicle homicide. This group meets informally once a month, and there is no cost for the service. Some of the issues that families have discussed include anger with the criminal justice system, guilt, and the problems of dealing with grief. The victim and witness office has gained a greater sensitivity for the needs of this victim group by participating in this program. This is the only service of this type offered on the Cape and Islands, and it is expanding to a larger membership.

Promoting public awareness of the Cape and Island Victim and Witness Assistance Program has been a consistent goal of the office. The program director, and individual assistants, have addressed numerous and diverse audiences to explain the Victim and Witness Assistance Program. Staff has appeared on radio and television programs to discuss victims' concerns, and the program director has worked actively with the media to promote more sensitive court reporting and better treatment of victims. The results have been positive.

Accommodating special needs victims and witnesses is a strong point of the Cape and Island Victim and Witness Assistance Program. The office provides translation services for non-English speaking victims during court proceedings through assistants who speak Portugese and Cape Verdean. The office also offers sign language services for the deaf and hearing impaired, and has employed a speech therapist during Superior Court trials as translator for victims suffering from cerebral palsy.

Due to the unusually good facilities for the handicapped in the Cape and Islands jurisdiction, the victim assistance program is able to reasonably accommodate physically impaired victims.

The office also routinely seeks the assistance of specialists for added help and guidance with emotionally disturbed and intellectually impaired victims.

The Cape and Islands Victim and Witness Assistance Program has devoted extensive efforts towards developing a close working relationship with community agencies, and inter-agency cooperation with the program has been excellent. The program refers victims and witnesses to a wide variety of community social service agencies. Each referral is based on the special emotional, physical, and financial needs of victims and witnesses. Some of the outside services used by the office include abuse counseling, alcohol and drug counseling, day care services, sexual assault counseling, family services and transportation.

The Program Director sits on the Abuse Prevention Network of Cape Cod, which is a multi-disciplinary group that monitors available human services on the Cape. Participation in this group has enabled program staff to identify reliable agencies for referrals. It has also allowed community agencies to become more familiar with the services provided by the Victim and Witness Assistance Program.

The Victim and Witness Assistance Program maintains very close ties with Independence House, a battered women's shelter serving all of Cape Cod. When criminal complaints, along with restraining orders, are sought by victims, Independence House will refer the matter to the Victim and Witness Assistance Program.

Sexual assault victims are referred to specially trained counselors who can provide needed services that are not provided by district attorney. Two incest support groups have been formed by mental health providers on the Cape within the last year, and the Victim and Witness Assistance Program has made referrals to these groups.

A good working relationship exists between the victim and witness office and community agencies on Nantucket and Martha's Vineyard, even though these services are extremely limited. When possible, the office has arranged outreach counseling services for residents of the islands through an appropriate agency on Cape Cod.

BERKSHIRE COUNTY
(Berkshire District)

Population: 136,744
Crime Index: 3,914
Square Miles: 929
District Attorney: Anthony J. Ruberto Jr.
Program Director: Elizabeth D. Keegan

The Berkshire County Victim Assistance Program is staffed by three full-time advocates, a program director and secretary. The Northern, Southern, and Central District Courts are all staffed by advocates, with advocates in the Northern and Southern District Courts covering courts in different locations on a rotating basis. The Central Berkshire District Court advocate also covers adult sessions, juvenile sessions and Jury of Six sessions.

For three months each year, the Jury of Six holds double sessions, which the Central District advocate is required to cover. The number of cases handled by this advocate has increased with the expansion of services offered by the program, with the largest volume of cases being in the district courts. The Berkshire Superior Court is covered by the program director on a part-time basis.

With the dramatic escalation in the number of reported cases of child sexual abuse, the Berkshire County Victim Assistance Program has exerted renewed efforts to respond to the needs of this rapidly increasing victim population.

Over the last three years, the Berkshire District Attorney has taken a leadership role among social service and law enforcement agencies to develop a team approach to the investigation of child sexual abuse, and the provision of comprehensive services for families suffering from this crime.

Extensive networking among agencies has produced a consensus that teamwork is essential for sensitive investigations that produce successful prosecutions.

Through the Sexual Assault Task Force, the District Attorney provided joint training for police and protective service personnel which emphasized the indispensability of interagency cooperation. The District Attorney's office provided funds to co-sponsor joint training for therapists, protective service workers, and probation officers on treatment techniques for families, victims and offenders.

The staff of the local and regional DSS office, the MSPCC, the RCC and school and health program personnel meet monthly with the staff of the District Attorney and state and local police to review techniques for handling child-sexual assault cases. These individuals also attend in-service training, discuss pending legislation and explore practical means of achieving team interventions. This includes joint interviews with child victims when possible. Through the District Attorney's encouragement, the Area Health Education Committee hired a Child Sexual Assault Coordinator to schedule meetings for intervenors and the team, update legislation, conduct case conferences and train intervenors.

The Berkshire County District Attorney's Office routinely conducts interviews of children whenever there is an allegation of sexual assault. These interviews are conducted in a room specifically designed for that purpose, which resembles a playroom, with toys, brightly colored chairs and tables. It is also equipped with a video camera and microphone. When the police are alerted to a possible instance of child sexual abuse, the District Attorney is notified, and a videotaping session is scheduled. Three members of the District Attorney staff prepare for the session. The child is accompanied by a parent, police officers, a child psychotherapist, and appropriate social service agency personnel. The psychotherapist conducts the interview, with all other parties watching from another room on the television monitor.

In the sessions conducted to date, 95 percent of the interviews have resulted in disclosure of an alleged sexual assault. The use of videotape interviews in sexual assault cases has improved the quality of services offered to children by the District Attorney's Office, and enhanced its ability to work with children as witnesses.

Accompanying the improvement of services to child sexual assault victims, was the realization that more needed to be done for handicapped victims of sexual assault. These victims have many and varied needs which are significantly different from the needs of child sexual assault victims. By working with the handicapped victim, the office became more familiar with the inadequacy of the criminal justice system to accommodate victims with severe mental and physical limitations. This understanding enabled the victim and witness staff to better address special needs victims and witnesses.

The office engaged experts of mental retardation when it encountered mentally handicapped victims, and it consulted with sign language interpreters to assist the office provide services to those who were deaf or had no verbal skills.

The Victim Assistance Program also initiated competency hearings to help assess and accommodate special needs victims, making the courtroom environment less threatening and less traumatic to victims. This program provided the office with a better sense of how extensive sexual abuse against the handicapped has become, and it underscored the need for protocols to deal effectively and sensitively with the handicapped in the judicial process.

BRISTOL COUNTY
(Bristol District)

Population: 468,228
Crime Index: 20,131
Square Miles: 557
District Attorney: Ronald A. Pina
Program Director: Donald Gomes

Staffing changes at the Bristol County Victim and Witness Assistance Program in fiscal year 1986 resulted in significant expansion of services throughout the district, a more clearly defined role for the Victim and Witness Assistance Program, and a stronger line of communication between the various courts in the district.

In fiscal year 1987 there were 20 staff members assigned to the Victim and Witness Assistance Program, with eight paid through Victim Assistance Fund grants, four paid through victim discretionary grant funds, four full-time staff and one part-time person paid through the District Attorney's budget, and four part-time employees paid by senior aide programs. A major accomplishment in fiscal year 1987 was the ability of of the Victim and Witness Assistance Program to assign at least one advocate in all courts, including the Bristol County Juvenile Court, whose advocate is funded through the District Attorney's budget. The New Bedford and Fall River district courts have two advocates assigned to them, and the Taunton and Attleboro district courts are staffed with one advocate each. A Fall River advocate is assigned to the Jury of Six Court in that city.

From October 1985 to February 1986, a change in venue in a murder trial necessitated temporary reassignments of two advocates - one of whom followed the trial in Middlesex County, and another who was transferred from the District Court to the Superior Court. Another senior advocate is permanently assigned to Superior Court to work exclusively with child abuse cases.

Bristol County Juvenile Court is not covered on a permanent basis, but district court advocates cover juvenile courts as needed. Occasionally, advocates assigned to child abuse cases at the Superior Court level will cover the juvenile courts as needed.

The Bristol County Victim and Witness Assistance Program has developed an excellent working relationship with community agencies that provide services to victims and witnesses. Advocates in the local district courts work closely with the Battered Women's Project, the Rape Crisis Project and numerous counseling agencies in their jurisdiction. Additionally, the main providers of services to the elderly in the county -- Coastline Elderly and Bristol County Home Care for the Elderly -- are in regular contact with the Victim and Witness Assistance Program. Both projects assist the victim and witness office by notifying authorities of suspected attacks against elderly persons. When the office receives notification, it refers the case to an assistant district attorney specially assigned to elder abuse cases.

The victim advocate in the jurisdiction where the case originated is also notified.

Staff of the Rape Crisis Project and the Battered Women's Center have also made presentations to advocates, and work closely with them. In both the District and Superior Courts, advocates have established close working relationships with probation officers. Because of the introductory letter explaining the services and rights of victims, advocates are usually the first to receive information about victims concerns, especially if it involves restitution. Advocates relay this information to the Probation Department if an offender has not been complying with restitution orders.

ESSEX COUNTY
(Eastern District)

Population: 624,076
Crime Index: 23,262
Square Miles: 495
District Attorney: Kevin M. Burke
Program Director: Michaelene O'Neill McCann

Grants distributed by the Victim and Witness Assistance Board in July 1985 allowed the Essex County Victim and Witness Assistance Program to significantly expand staff and program services. Staff expansion included the hiring of four additional victim advocates, three administrative/clerical staff, and the creation of an intern/volunteer coordinator. These new positions allowed services to victims and witnesses to be expanded to provide for on-site advocacy services to Amesbury, Gloucester, Ipswich, and Newburyport district courts and the Haverhill Jury of Six sessions for the first time. The increase in advocacy and service time has been the result of clerical assistance in handling the volume of notification and informational services required by the Victim Bill of Rights. A total of 50 additional victim services hours per week have been provided through five interns and one community volunteer in the district courts, which is the equivalent of a full-time staff person without cost to the program.

Between July 1985 and January 1986, a total of 5,891 crime victims and witnesses received case status information services, counseling and emotional support and received referrals to needed social services and financial assistance.

The Essex County Victim and Witness Assistance Program provided services to 6,502 crime victims and 2,197 witnesses in the grant period July 1986 through February 1987. The 8,699 victims and witnesses were provided with a wide range of notification, assistance and allocution services by 16 advocates based in nine district courts.

Advocates are also located in two Jury of Six sessions in Salem and Haverhill, and they follow all felony cases involving victims through Grand Jury and Superior Court sessions in Salem and Newburyport. Major program accomplishments in fiscal year 1987 included the expansion of the intern/volunteer program, with a total of 2,978 intern/volunteer hours extending coverage and filling staffing gaps throughout the county.

A comprehensive training manual has been developed, along with a required 15 hour basic training program for volunteers. A formal application and screening process, combined with frequent contact with college placement directors and volunteers, has resulted in a well-structured placement program. On-site supervision and periodic performance evaluations are provided.

In fiscal year 1987 several advocates were reassigned to provide additional coverage in Salem District Court, Jury of Six and Gloucester District Courts, following an evaluation and comparison of caseload activities in all courts.

There are several courts that are greatly in need of additional victim and witness staff. One advocate covers two courts which permits only half-time coverage for courts in Amesbury and Newburyport. Another advocate provides half-time coverage to Gloucester and provides 20 additional hours to Salem District Court.

In the Salem District Court, 290 victims and witnesses received notification and informational services in fiscal 1986. One full-time and one half-time advocate were insufficient to meet the service needs of that court. Staff was increased to two full-time advocates in fiscal year 1987.

While the Gloucester and Cape Ann area advocate coverage was increased to three-fifths time, a full time advocate is required. Newburyport and Amesbury District Courts are covered on a half-time basis, but an additional half-time position is needed. Haverville is also in need of a half-time position. Priority in the placement of student volunteers is required in four courts.

Linguistic minority service needs in the Hispanic and Cambodian communities were identified as a priority in fiscal year 1987. Discretionary grant funding enabled the program to recruit and hire two Cambodians and two Hispanic staff members. Minority recruitment and hirings have increased the ability of the program to provide bi-lingual services to Essex County crime victims. Advocates also serve on five child sexual abuse, multi-disciplinary teams, which meet weekly as part of the Child Abuse Project.

Contact with community agencies and institutions is a program priority. Advocates maintain and cultivate connections with other service providers so that victims and witnesses may continue to receive accurate information and appropriate referrals for follow-up services. New resources are carefully evaluated and advocates consider resource information-sharing an ongoing responsibility.

The Essex County Victim and Witness Assistance Program has six advocates which continue to serve on community coalitions and committees that deal with rape and child sexual abuse issues. Since most of those agencies provide services to other categories of victims as well, the coalitions are an important information resource for advocates. Community and school presentations are frequently given by advocates on the Victim Bill of Rights, program services, and special topical issues such as child sexual abuse.

Advocates enjoy a cooperative relationship with the probation departments of most district courts in Essex County. Advocates are now meeting more regularly with probation officers to discuss problems, develop solutions and share information. Restitution issues continue to be the area where problems between probation officers and victim and witness advocates are most likely to occur at the district court level, but efforts at improving the system have been encouraging. Advocates are in frequent contact with the Compensation Division of the Attorney General's Office on behalf of victims to obtain information on their compensation claims. Letters are frequently sent to creditors -- particularly hospitals -- on behalf of victims awaiting compensation approval.

FRANKLIN AND HAMPSHIRE COUNTIES
(Northwestern District)

Population: 203,385
Crime Index: 3,771
Square Miles: 1,230
District Attorney: W. Michael Ryan
Program Director: Sally Borden

The Northwestern District Victim and Witness Assistance Unit consists of a 11 person staff, supplemented by four interns, who cover all district and superior courts in the Northwestern District. In fiscal year 1987, six staff members were funded by Victim and Witness Assistance Fund grants, two were funded by discretionary grants, and three were paid from the District Attorney's budget.

In 1986, victim and witness assistance advocates handled 1,426 cases involving 1,821 victims. Of these cases, advocates had contact with a total of 2,421 victims and witnesses, and an additional 511 collateral contact people, such as social workers. On the 1,426 cases, victim advocates made a total of 13,107 contacts with victims and witnesses, either in person or by telephone or mail.

Advocate generally follow a case from the District Court to Grand Jury and Superior Court or Jury of Six, and cases are assigned to advocates according to the town where the cases originate. This system promotes the development of a close working relationship between the advocates, prosecutors, and police departments.

Responding to victims of child sexual abuse is a priority of the Northwestern District Victim and Witness Assistance Unit. Sexual Abuse Intervention Network (SAIN) teams have been established in both Franklin and Hampshire counties to provide for inter-agency cooperation on the investigation and prosecution of child sexual abuse cases.

The teams consist of a coordinator from the Department of Social Services, a victim and witness advocate, an assistant district attorney, a State Police investigator, and a therapist. The SAIN teams meet on a weekly basis in each county to review cases or conduct video-taped interviews of child victims.

The office has worked closely with DSS to establish and implement the SAIN teams. Interview and viewing room areas have been constructed in the District Attorney's Office in Greenfield and Northampton, and the office purchased video equipment through funding from Victim and Witness Assistance grants.

All child sexual assault referrals from DSS and private agencies are first made to the director of the unit and are then forwarded to a State Police officer or assistant district attorney for investigation and review. In 1985, the office received 168 referrals, pertaining to 151 known perpetrators and 191 victims. Of these, 72 cases were prosecuted.

With the acquisition of a Victim Assistance Fund discretionary grant in fiscal year 1987, a child sexual assault unit was established within the District Attorney's Office. The purpose of the unit is primarily to provide a consistent and effective mechanism within the office for handling child sexual abuse cases, from the time of intake through investigation, prosecution and final disposition.

A state-of-the art video room for interviewing child sexual asasault victims was installed in the new victim and witness section of the District Attorney's Office, and is used by SAIN teams, CPAC officers and local police departments to interview children. In 1986 the District Attorney's Office received 133 referrals from DSS involving 160 victims of child sexual assault.

Domestic violence constitutes a significant portion of the Victim and Witness Assistance Unit caseload. The office handled 144 criminal cases of domestic violence in 1986. In circumstances where a victim is seeking a restraining order, but does not wish to proceed with a criminal charge, advocates assist the victim in obtaining the restraining order, and inform them of all services and rights available to them.

The victim and witness office coordinates training sessions with all police departments in the district to improve law enforcement's response to domestic violence. The office has also arranged for the printing of 10,000 209A restraining order cards. These cards enumerate the rights of domestic violence victims, and were distributed for use by police in the Northwestern District when responding to domestic violence calls.

A brochure was also prepared on domestic violence and the 209A law, describing legal interventions and local services available to battering victims. The brochure was translated into Spanish, and was mailed to all area police departments, social and human service agencies and hospitals.

Victim and witness advocates maintain a high level of involvement in cases where victims and witnesses are likely to be especially fearful, traumatized, or reluctant to testify. These cases often involve serious violent crime, sexual assault, crimes involving children, cases involving the mentally or emotionally disturbed, and those involving the elderly.

In these cases, advocates not only provide the services required by law but personally meet with the victim or witness as soon as the case enters the court

system. Advocates submit "Special Attention Forms" to the Trial List Clerk or the District Court Supervisor, alerting assistant district attorneys to the special needs of victims and witnesses involved in their cases.

The office also provides services to victims whose case may not have originated with the police or District Attorney's Office. Because police do not have powers of arrest in misdemeanor crimes they do not witness directly, citizens must often file their own complaints with the District Court.

In order to prosecute these cases, the District Attorney's Office must obtain information for the complainant, and the complainant must be made aware of the court procedures and scheduled court dates.

Victim and witness staff contact all private complainants after arraignment regardless of the nature of the crime, and obtain a detailed written statement of the facts of the case, using prescribed forms. Staff also advise victims and witnesses of their statutory rights and of court procedures, and provide court appearance and delay notification services for private complainants.

The Victim and Witness Assistance Unit interacts with a number of community agencies to coordinate victim services and share information on particular cases. Victim and witness advocates hold training sessions for police, professional and volunteer social service staffs, human service and counseling agencies on court advocacy issues. Additionally, the victim and witness assistance staff has established support groups for mothers of child sexual assault victims, and victims of violent crime, including families of homicide victims.

Victim and witness staff actively participate in a number of task forces, including the Franklin County Women's Issues Network, the Latino Community and Social Services Task Force; the Hampshire County Domestic Violence Task Force, the Sexual Assault Treatment Providers Task Force; and the Adolescent Sexual Offender Treatment Group.

HAMPDEN COUNTY
(Western District)

Population: 438,119
Crime Index: 12,809
Square Miles: 618
District Attorney: Matthew J. Ryan Jr.
Program Director: Eleanor Cress

In fiscal year 1986, the Hampden County Victim and Witness Assistance Program expanded its staff and services to a broader range of victims and provided more comprehensive services to victims of child abuse. The Victim Assistance Fund grant allowed an increase in staff from three advocates and one administrative assistant to four advocates, an administrative assistant and two child abuse specialists. In fiscal year 1987, one additional advocate was hired.

To better serve victims of crime, the Hampden County Victim and Witness Assistance Program has developed a close working relationship with local law enforcement agencies. Victim advocates travel to the courts and the police stations in their communities on a regular basis to meet with police liaison officers, and probation officers in each district court jurisdiction. This network enables the victim advocates to identify crime victims who require personal contact and services prior to any court proceedings.

This informal screening network also allows victim advocates and prosecutors to meet with victims and decide if the case merits a swift and secret presentation to the Grand Jury, or whether it should remain in the jurisdiction of the district court.

Advocates assist with screening all cases in district courts throughout the county in order to obtain names of victims and witnesses and to coordinate court date notification. Advocates interview victims frequently at the pre-complaint stage. They are assigned to district court cases and work with assistant district attorneys assigned to prosecute cases in each district court in Hampden County.

Advocates consult with the prosecutor on the advisability of holding a probable cause hearing or obtaining a secret indictment in specific cases. Child abuse cases and many adult sexual assaults are given priority for secret indictments by the Grand Jury. In addition, advocates are present when the Department of Social Service brings child abuse referrals to the District Attorney's Office.

With the passage of the Child Abuse Reporting Law in 1983, the Hampden County Victim and Witness Assistance Program began serving the specialized needs of child victims of sexual and physical abuse. The Department of Social Services began referring serious cases of child abuse to district attorneys' offices throughout Massachusetts as mandated by the law, and from 1983 to 1984 the Hampden County District Attorney's Office received 160 reports of child abuse.

By February 1985 there were 250 reported cases, and through February 1986, 541 cases of child abuse had been reported. In fiscal year 1986, 291 children were provided special services as abuse victims.

Compared with the number of referrals in the larger counties, Hampden appears to have the highest number of reported cases in the state. Two child abuse specialists are assigned to investigate pending cases and to work with the CPAC Unit in the District Attorney's Office on current referrals. Some referrals are sent to the local police departments for investigation, particularly those involving juveniles under age 17 who abuse younger children.

On July 1, 1985 the Child Abuse Unit began operation, with child abuse specialists attending meetings of the Sexual Abuse Intervention Network (SAIN) and Suspected Sexual Misuse Clinic (SSMC). Child abuse specialists assist with screenings, assessments, investigations and criminal prosecutions of crime against children throughout the county. They participate in team meetings with DSS to discuss each child abuse referral, and investigate cases for possible prosecution by taking statements from victims and complaints from witnesses. Advocates review each investigation with the victim and witness director and various assistant district attorneys.

In October 1985, the Justice Department awarded a $125,000 grant to the Hampden District Attorney's Office to create a Child Abuse Prosecution Unit that would serve as a model program for prosecuting those who abuse children. The 18 month grant permitted two full-time attorneys to work on child abuse prosecution with child abuse specialists, victim advocates and others in the District Attorney's Office.

A special legislative commission on violence against children is considering a revision of Chapter 288 to incorporate the innovative practices developed by Hampden County's Child Abuse Program.

MIDDLESEX COUNTY
(Northern District)

Population: 1,347,517
Crime Index: 45,273
Square miles: 822
District Attorney: L. Scott Harshbarger
Program Director: Patty McNamara

The Middlesex County Victim and Witness Assistance Bureau in fiscal year 1986 provided direct and extended service to 3,079 victims and families on 2,298 criminal cases. This represents a 140 percent increase in the number of cases and a 133 percent increase in the numbers of families served over the previous year. This figure does not represent the number of victims and witnesses provided short term services, or those who were not part of a pending criminal case.

In fiscal year 1987, victim advocates were active in over 2,500 cases, which represents a 160 percent increase in the program's workload since 1984. Extended services and technical assistance were provided to a total of 975 child abuse

referrals since 1983, including over 500 referrals in calendar year 1986 alone. Assistance was provided on 796 occasions to victims of domestic violence seeking abuse prevention orders from the court. This represents a 40 percent increase in these services since 1985.

The increase in program staff from three and a half advocates in 1983 to the present staff of 23 has allowed for a significant expansion in services, but there continues to be important unmet needs. Services are still possible only on a selected basis, with victims of violent crime receiving priority. Even among violent cases, simple assaults and batteries, or unarmed robberies may have to be neglected so that services can be provided to victims of rape, child sexual abuse, domestic violence or motor vehicle homicide.

Only four district courts are staffed by more than one advocate, and as a result, consistent and complete coverage of all district courts is impossible.

In the short term, advocates strive to assist those in the criminal justice system eliminate the revictimization that often accompanies a victim's involvement in the court system. The long term goal of the program is to make the criminal justice system, and related agencies, more sensitive and responsive to the experiences, needs and rights of those affected by crime. In direct casework, advocates make personal contact and develop supportive, ongoing relationships with victims, witnesses and families.

Because advocates intervene in highly emotional situations, they must be well briefed in the law, the court process and related victim services. They must be able to understand those emotional responses associated with victimization, and be able to respond equally well to the physically and emotionally disabled, the elderly and child victims. Their public role requires that advocates be skilled speakers and trainers, and be able to provide resources to both professional and lay groups.

Two additional positions were provided by Victim Assistance Fund grants in fiscal year 1986: a part-time secretarial position, who provides the resources

needed to implement the appeals notification system, and a deputy bureau chief who has expanded training and improved supervision. The deputy chief also has additional responsibilities in the area of child abuse.

The victim and witness assistance grant enabled the bureau to hire additional advocates and secretarial staff. For the first time since the program began, a full-time advocate was assigned to the Newton District Court to assist the half-time advocate assigned their previously. Added staffing improved relations with police, court personnel and community agencies, and resulted in more referrals being made to the Victim and Witness Assistance Bureau. With new staffing, all but two of the 12 district courts have full-time coverage.

The creation of three support staff positions for the program greatly assisted with the notification and orientation of victims, witnesses and family members, and freed advocates to devote more time to direct services for victims. Full-time regional secretaries were placed in Lowell and Cambridge and a part-time regional secretary was placed in Framingham.

Advocates continue to provide services to individuals not involved in pending criminal cases, such as those seeking abuse prevention orders. Advocates assisted 568 individuals with this process during fiscal year 1986 and assisted 796 individuals in fiscal year 1987, after receiving referrals from community agencies, court clerks and police. The Victim and Witness Assistance Bureau distributes a brochure on the protective order process to all community agencies and law enforcement groups. Advocates are also available to explain the process, accompany an abused person to exparte hearings, make referrals to shelters or counseling programs for abused persons, and give assistance in coordinating police enforcement of protection orders.

There is a constant undermet need to provide advocacy services for those seeking abuse prevention orders, and to provide training to criminal justice personnel who respond to domestic violence orders. There is also a need to better coordinate and expand counseling and prevention services for the abused and abuser. The Middlesex Victim and Witness Assistance Bureau has devoted considerable time to this priority.

Several other categories of non-court involved individuals are routinely assisted by advocates. During fiscal year 1986, 460 individuals who were not parties to a pending case were assisted by advocates in filing civilian complaints, obtaining information on a defendant's possible probation or release, and securing restitution or victim compensation. In fiscal year 1987, services were provided to 824 individuals who were not involved in court proceedings, and victims received services in 687 cases after court proceedings had concluded. In cases where there has been no arrest, advocates are frequently called upon to assist victims, and to provide information regarding the court process, victims rights and available services.

In parental abduction cases where no criminal action is evident and criminal sanctions are not sought, advocates assist in locating available support services, and help in collecting information to determine if criminal action should be pursued.

Preliminary steps have been taken to develop a system for notifying victims and families of the status of cases on appeal. Advocates were provided training in appellate procedures, and a brochure explaining this process was developed and distributed.

To complement the program's informational services, pamphlets are distributed on the Victim and Witness Assistance Bureau, victim compensation, the court process, victims' rights, abuse prevention orders, and the juvenile court system. These materials have been translated into Spanish and Portuguese, and are distributed through the courts, community agencies, hospitals, police, and court clerks.

The Victim and Witness Assistance Bureau created several pamphlets for the Middlesex County Child Abuse Project, including a booklet for child victims of sexual assault which explains the court process. The office also helped the District Attorney's Elderly Task Force develop a guide to help the elderly protect the security of their home and person.

Education, training and lobbying regarding laws, programs and treatment of victims is an established priority of the Victim and Witness Assistance Bureau. Advocates devote considerable time to training sessions for criminal justice and community agency personnel, and efforts are made to develop and expand a referral network between the office and social service agencies.

Advocates are particularly active in the child abuse area, where their specialized training and firsthand knowledge of cases is invaluable. Advocates serve on several subcommittees of the American Bar Association Child Abuse Task Force that works to streamline and coordinate abuse cases, develop sentencing guidelines for convicted child abusers, and promote education and training. Several advocates were invited to join local community task forces on child abuse, and others were elected to serve on boards of child advocacy groups.

The impact of Chapter 288 continued to be dramatic in Middlesex County. Over 300 referrals were received during calendar year 1985, which represents a 60 percent increase over the previous year. Over 500 child abuse referrals were received during calendar year 1986 -- a 44 percent increase over 1985. Unlike other cases, these referrals are made prior to criminal complaints being issued and require the District Attorney to coordinate an investigation and make a determination regarding charging and prosecution.

With few exceptions, a victim advocate is assigned to each DSS referral. Advocates play an important role in the coordination of resources and information. They are active when children are interviewed during an investigation, and they consult with police, assistant district attorneys and social service professionals concerning the affect of a prosecution on the child victim. Advocates also serve as a source of information and support for family members, who are given assistance regardless of whether a case goes to trial.

Advocates frequently represent the District Attorney's Office at mandated multi-disciplinary team meetings. In 1985, advocates served on 89 multi-disciplinary teams, and continue to work for improved understanding and cooperation among those involved in child abuse cases.

NORFOLK COUNTY
(Norfolk District)

Population: 604,603
Crime Index: 18,174
Square Miles: 400
District Attorney: William D. Delahunt
Program Director: Edward Robinson-Lynch

With the addition of five new staff members in fiscal year 1987, the Norfolk County Victim and Witness Bureau has been able to provide advocate coverage to all district courts in Norfolk County. Future staffing plans call for new advocates to fill existing positions at the Superior Court and to provide additional coverage for the Dedham District Court and Jury of Six sessions.

In fiscal year 1986, the victim assistance program improved procedures for ensuring that victims receive full restitution from an offender when a judge has ordered it. The new policy was implemented in all courts in the jurisdiction and clearly delineates the role and responsibility of the victim advocate when dealing with victims, assistant district attorneys and prosecutors on restitution issues.

With the active involvement of the victim assistance program, The Superior Court Appellate Division revised its procedures to make a more meaningful allowance for the review of victim impact statements when the division considers defendant appeals for sentence reduction -- recognizing that the victim's statement should play an important role in any decision to lower an offender's sentence.

Where a written victim impact statement is on file, the victim assistance staff inform the victim that this statement should be submitted to the Appeals Division. In cases where victims made an oral statement to the court, victims are informed that they may submit a written statement to the Appeals Division.

In cases where the victim had chosen not to submit an impact statement, the victim is informed of their right to submit a statement to the Appeals Division before a petition for sentence reduction is considered.

To complement these efforts, the victim and witness office developed informational brochures to assist and inform victims and witnesses of their rights under the Victim Bill of Rights. The program has also developed intake forms for victims filing private complaints, which allows staff to respond to victims more quickly, without having to wait for cases to be referred to the program from the District Attorney.

To complement the services offered by the Victim and Witness Assistance Bureau, the Norfolk County District Attorney's Office maintains a Sexual Assault Unit to provide assistance to victims of rape, incest and child abuse. The unit provides short term counseling, referrals for long term consultation, notification of available services and supportive assistance to victims throughout all proceedings. The unit's six-member staff assist with the initial interviews of rape victims, and are on-call at nights and weekends to assist the 28 police departments in the jurisdiction.

The Victim and Witness Assistance Bureau also works cooperatively with the District Attorney's Family Service Assistance Unit to provide services to families suffering from violence within the home. This unit supports families in finding ways to eradicate patterns of domestic violence and establish a non-violent home atmosphere. Staff assesses a family's needs and provides short-term and long-term counseling for individuals and groups. Court advocacy services are also provided when they are needed. Staff members are not assigned to particular courts but handle those cases that are referred from the police, from shelters, and from advocates involved in domestic violence cases in the district courts. Four staff members comprise this unit.

The Norfolk County Victim and Witness Assistance Bureau recently incorporated juvenile court sessions into its service delivery system. These sessions had been neglected during the first two years of the program when the priority was to serve the needs of victims in the district courts.

Written communications specifically for juvenile court proceedings have been developed, and orientation briefings are conducted for victim and witness staff, juvenile police prosecutors, and juvenile probation officers. The staff has worked closely with the district courts to rectify procedural problems that might arise when victims, and victim advocates, attend juvenile court sessions.

In conjunction with these efforts, the office maintains a Juvenile Diversion Program offering treatment alternatives for young, first time offenders. In cases where there has been a loss or damage to real or personal property, youths are required to pay restitution based on their ability to pay, and the personal and financial needs of victims. These payments are collected from the youth and paid to victims through the District Attorney's Office. In fiscal year 1985, $8,926 was returned to victims of juvenile crime.

PLYMOUTH COUNTY
(Plymouth District)

Population: 415,118
Crime Index: 13,927
Square miles: 655
District Attorney: William C. O'Malley
Program Director: Deborah J. Kane

With the increase in staff provided by Victim Assistance funds, the Plymouth County Victim and Witness Assistance Program has been able to assign advocates to all four district courts in the jurisdiction, with Plymouth, Hingham and Wareham District Courts each staffed by one full-time advocate, and the Brockton District Court covered by two full-time advocates.

Through a restructuring of assignments in the victim and witness office, an advocate has been assigned to handle all cases in Plymouth Superior Court. Wareham and Hingham District Courts have continuous Six Person Jury sessions, but

an advocate is only assigned to the Wareham sessions. The lack of personnel has made it impossible to provide victim advocate services in either the Hingham Six Person Jury session or in the juvenile courts.

At one time, victim advocates were assigned victim cases which they followed throughout all court proceedings, maintaining contact with a victim as a case progressed through the Six Person Jury, Grand Jury and Superior Court. But this is no longer possible. Caseloads in all the district courts require the complete attention of advocates, and except in rare instances advocates no longer follow cases when they are transferred from the district courts.

In special circumstances, an advocate may be granted permission to maintain contact with victims as cases move to other courts -- such as in the case of a child victim who may be experiencing acute emotional problems. But this is not routine.

Advocates in the district courts notify victims of the status of their case, and by using computers they have been able to automate this service so that information is provided to victims quickly and routinely. At the time of arraignment, victims are also presented with a contact form, a victim impact statement, a pamphlet informing victims and witnesses of their rights under the Victim Bill of Rights, and information about the program's 24 hour hotline, which is staffed seven days a week.

The Plymouth Victim and Witness Assistance Program has made a concerted effort to implement an aggressive outreach program for victims and witnesses who do not report crimes. A 24 hour hotline has been established to answer questions about the court process, the victim assistance program, and community agencies that provide services to victims of crime.

Over 400 posters have been displayed in schools, hospitals, elderly housing complexes and in other public locations, advertising the hotline and the Victim and Witness Assistance Program. The program has also purchased newspaper and radio advertisements informing the public of its services.

A strong working relationship has been established between the Victim and Witness Assistance Program and community organizations. Services provided to victims by community agencies are used regularly by the Victim and Witness Assistance Program. Advocates and assistant district attorneys are actively involved with these agencies to coordinate services and provide them with information and training. The District Attorney meets periodically with community service agency heads to encourage communication between offices, and to examine the broad range of shared concerns in areas such as mental health counseling and case management.

Responding to the special needs of child abuse victims has become a particular concern of the Plymouth Victim and Witness Assistance Program since Chapter 288 was enacted. The Child Abuse Reporting Law requires the Department of Social Services to report certain instances of serious child abuse to the District Attorney's Office. Until the passage of this law, DSS was only required to report cases of child abuse when the child had died.

The statute has produced a number of positive changes by promoting cooperation between DSS, the District Attorney's Office and third parties when these agencies are confronted by cases of child abuse.

The number of child abuse cases reported to the District Attorney's Office since the passage of Chapter 288 has been staggering. By the end of fiscal year 1987, 347 cases of abuse have been reported to this office -- 92 percent of which involve sexual abuse.

A formal protocol between human service providers and law enforcement still needs to be developed which would involve DSS, the District Attorney's Office, police, and third parties in the multi-disciplinary teams mandated by Chapter 288. This protocol would satisfy the regulations of DSS, and would involve third parties at an earlier stage. When a case is screened, the District Attorney's Office would be notified by DSS if the child makes a statement that substantiates an allegation of abuse.

This procedure would also be followed in cases where an institution was suspected of abusing children. Where abuse is suspected, the child would immediately be referred for a complete sexual abuse assessment, with a special child abuse investigator and police officer observing the therapist's assessment through a one-way mirror.

In addition to providing a clinical assessment, the therapist would seek information from the child that law enforcement officials could use in obtaining warrants and complaints against potential offenders.

SUFFOLK COUNTY
(Suffolk District)

Population: 701,974
Crime Index: 77,037
Square Miles: 57
District Attorney: Newman A. Flanagan
Program Director: Catherine M. Gorman

As of fiscal year 1987, the Suffolk County Victim and Witness Assistance Program has a staff of 28 full-time personnel, providing victim assistance in all the courts of Suffolk County. The program has a director, two assisting supervisors for the district and superior courts, and 21 full-time advocates providing victim services mandated by the Victim Bill of Rights.

There is also three full-time secretaries and a budget director working for the program. Of these staff members, 16 are paid from Victim Assistance Fund grant monies and 12 are paid from the District Attorney's budget. Advocates are working in all nine district courts, Boston Juvenile Court, Jury Appeals Sessions, the Grand Jury, and Suffolk Superior Court.

In an effort to continue the expansion and specialization of the program, the office added a research advocate to maintain and update lists of social service referrals, code and analyze program statistics, and write reports.

Since its inception, the Victim and Witness Assistance Program has provided services to victims, witnesses and family members in all phases of the criminal justice system. Cases that involve the handicapped, the elderly, and children are given a high priority, and advocates also provide services to victims, witnesses and families in cases where no arrest has been made and no offender may ever be brought to trial.

Advocates counsel victims to aid them in coping with their victimization and in dealing with the anxiety of testifying in court. Victim advocates also assist in interviewing victims to obtain important facts in sensitive circumstances.

In addition to providing mandated services, the Suffolk Victim and Witness Assistance Program also offers specialized services to crime victims. The program has instituted a Homicide Unit which deals exclusively with the families of homicide victims and the witnesses to these crimes.

Immediately after a murder is committed, contact is made with the family and witnesses to inform them about services available. In addition to the services provided to homicide survivors, the experienced advocate assigned to this unit arranges for the relocation of family members and witnesses whose safety may be in jeopardy.

Passage of the Child Abuse Reporting Law has significantly increased the caseload of the office. In-house training has been conducted for advocates and assistant district attorneys in the new policies and procedures used to comply with the statute, and an advocate has been assigned as liaison between the District Attorney's Office and the Department of Social Services.

The Suffolk Victim and Witness Assistance Program has also devoted special attention to the escalating number of domestic violence victims. In conjunction

with the Boston Police Department and the Boston Fenway Project, The Suffolk County District Attorney's Office conducted a study of domestic violence in portions of Dorchester that identified homes with a high incidence of domestic violence, or family trouble, by monitoring 911 emergency calls.

Following the results of this study, the Boston Police Department instituted a Domestic Violence Unit, similar to its Sexual Assault Unit, to respond exclusively to 911 domestic violence emergency calls. Under the department's program, victims of domestic violence who need counseling are immediately referred to the Dorchester Mental Health Center; and meetings were held with the Clerk Magistrate and Chief Probation Officer of the Dorchester District Court to explore the possibility of expediting hearings, arraignments and trial dates of defendents in domestic violence cases, as well as providing them with counseling services.

Court clerks have begun referring domestic violence victims directly to victim and witness personnel, regardless of whether a criminal complaint has been issued; and a notification system for all victims of domestic violence has been instituted.

The success of the Suffolk County Victim and Witness Assistance Program has been its ability to work cooperatively with community agencies. The program has developed a firm union with various community agencies to provide medical, mental health and legal assistance.

Significant contacts have been established with the police departments in Boston, Chelsea, and Revere, the 10 major hospitals in Suffolk County, the Department of Social Services, local universities, numerous social service and community agencies, and the local media.

The program director and advocates have given presentations to local hospitals, mental health agencies, rape crisis centers, battered women's facilities, probation departments, schools and local police departments in order to train their staff and improve working relationships with these organizations.

The Suffolk County Victim and Witness Assistance Program collaborated with the Boston Police Department when it developed its own victim and witness unit, and the program presented training seminars at the Boston Police Academy for potential members of this new unit.

Because the police and hospitals are often the first agencies contacted by victims, representatives from the victim assistance program meet bi-monthly with these groups to exchange information and ideas on victim issues.

By understanding the court system and the Victim and Witness Assistance Program, hospital and police personnel can help the victim develop trust in the District Attorney's Office and the court system in general.

WORCESTER COUNTY
(Middle District)

Population: 648,439
Crime Index: 21,705
Square Miles:
District Attorney: John J. Conte
Program Director: Anthony J. Pellegrini

During fiscal year 1986, the Worcester Victim and Witness Assistance Project provided case notification services to 2,074 victims and witnesses; made 563 follow-up contacts with victims and witnesses on the day of court appearances; notified 32 victims and witnesses of the final disposition of cases; interceded with creditors and employers on victim's behalf on 35 occasions; assisted 22 victims who had been intimidated or harassed by defendants; and notified 52 victims and witnesses when an offender had been released from custody.

Another essential service provided by the Worcester Victim and Witness Assistance Project is the pre-trial conference held with sexual assault victims,

especially children. Whenever possible, victims, family members and advocates for the family meet with victim advocates and assistant district attorneys to discuss a case, prepare witnesses for trial, and orient victims to the courtroom.

In these interviews, advocates often use toys, games and dolls when speaking to children to calm them and help prepare them for trial. Through such meetings the anxieties of both victims and parents are reduced. During fiscal year 1986, the program held over 200 of these meetings with 363 victims, witnesses and family members.

The Worcester Victim and Witness Project also provides in-service training for assistant district attorneys, the police, and private social service agencies on victim issues. Some of the topics covered in these trainings are: techniques for interviewing child victims; implementation of the Victim Bill of Rights, the elder abuse reporting law, the child abuse reporting law; and an overview of the criminal justice process.

Victim and witness advocates take an active part in educating the community on victim's issues and victim's rights. The Victim and Witness Assistance Project has conducted seminars with community groups and schools, and has worked with the local media on these issues.

Close cooperation between the Victim and Witness Project and community groups continues to be a vital component accounting for the programs success in providing needed services to victims and witnesses. The program relies on a variety of community resources to supplement the services provided to victims directly by the Worcester Victim and Witness Assistance Project.

Whenever an advocate is involved in a case for which particular services are needed, the victim is referred to the appropriate social service agency. Frequently, victims and witnesses are already involved with one or more agency, and the victim advocate's role becomes one of coordinating services and acting as liaison between service providers and the District Attorney's office.

Some of the agencies that advocates frequently refer clients to are: The Worcester Rape Crisis Program; The Daybreak Inc. battered women shelter; the Department of Social Services; Elder Home Care Services of Worcester; the Massachusetts Society for the Prevention of Cruelty to Children; Legal Assistance Corp. of Central Massachusetts; The Worcester Youth Guidance Center, and the Family Center Project of UMass Hospital.

In addition to these agency contacts, there is also a significant interaction between the Victim and Witness Project and the probation departments, the Parole Board, and the Compensation Division of the Attorney General's Office.

Restitution issues, harassment of victims and witnesses after the disposition of a case, and the failure of probationers to abide by the terms of their release are the issues most commonly confronted by advocates when assistance is sought from the probation departments.

The Victim and Witness Project assists victims and witnesses obtain proper CORI clearance when seeking information from the Parole Board concerning an inmate's parole eligibility or actual release date. In emergency cases, the office directly contacts the parole board, or appropriate correctional institution, to obtain inmate release information for victims and witnesses.

The Victim and Witness Project is also in regular contact with the Attorney General's Office on behalf of victims who have questions and concerns regarding victim compensation awards; and when needed, the office also assists the Attorney General's Compensation Division with investigations of individual victim claims.

V. DISTRICT ATTORNEY DISCRETIONARY GRANTS

In FY 87, the Victim and Witness Assistance Board inaugurated a discretionary grant program that allowed victim and witness programs to establish special units to provide the services mandated by the Victim Bill of Rights to underserved an unserved victim populations. Victim Assistance Fund grants totalling $480,000 were awarded to six victim and witness programs in district attorney's offices to target services for specific victim groups in their jurisdictions.

These special units -- serving child abuse victims, victims of elder abuse, and minority victims of crime -- supplemented the services already provided to all crime victims through the existing formula grants. These discretionary programs implemented the Victim Bill of Rights for special populations of victims.

With funds provided by the Victim and Witness Assistance Board, programs in Bristol, the Northwestern District, Middlesex, and Plymouth counties established units to serve the victims of child abuse and child sexual abuse. Since the passage of the Child Abuse Reporting Law, Chapter 288, the number of child abuse cases brought to the attention of district attorneys has been staggering.

Bristol County victim and witness staff reported that 272 cases of child abuse were awaiting criminal prosecution when it was awarded a grant to target services to abused children. In the Northwestern District, 168 cases of child abuse were received from the Department of Social Services (DSS) in 1986 alone.

The Crime Prevention and Control division of the State Police investigated 19 cases of child abuse and child sexual abuse in the Northwestern District during 1983. In 1984, the number of investigations of child abuse had jumped to 93, and by 1985 CPAC officers were summoned to investigate 148 cases of suspected child abuse.

In Middlesex County, there have been 670 reported cases of child abuse since the passage of Chapter 288 in 1983, with about 40 percent of those resulting in criminal prosecution. Victim advocates in the Middlesex District Attorney's Office were involved in 276 pending court cases of child sexual assault during 1985 -- a 70 percent increase over the number of active cases in 1984. DSS referrals to the Middlesex District Attorney during the same period reflect this steadily increasing trend.

In 1983, only 19 cases of child sexual abuse were reported from DSS. In 1984, the number was 227; and in 1985 there were 363 cases referred to the victim assistance program from DSS. Approximately 94 percent of all cases reported to the Middlesex District Attorney involved sexual abuse of children.

Before enactment of the Child Abuse Reporting Law, the number of reported cases of child abuse in Plymouth County was about six every month. In 1984, the monthly average of reported cases tripled, and by 1985 the Plymouth District Attorney was receiving about 22 cases of child abuse per month.

Responding to cases of child abuse is a delicate and time-consuming task, that strained the resources of the existing victim assistance advocates, who were also required to provide services to the thousands of other crime victims in need of assistance.

Several victim programs estimated that their advocates devoted nearly half their time to cases of child abuse. Grants from the Victim and Witness Assistance Board were used to hire advocates and therapists specially trained to respond to child abuse victims.

These advocates attend multi-disciplinary meetings to develop strategies for combating child abuse; are members in the Sexual Abuse Intervention Network (SAIN); coordinate efforts with DSS to evaluate and respond to cases of child abuse; and monitor the rising incidence of reported cases of child abuse and child sexual abuse.

Through these special units, the techniques used to interview child victims prior to prosecution have improved dramatically. Employing specially equipped rooms that allow law enforcement officials to monitor proceedings through one-way glass, victim advocates are able to interview children in a non-threatening environment that elicits important evidence, while eliminating the trauma of repeated questioning by police. The interviews are also videotaped, and can be submitted as actual evidence in court.

Crime against minority groups is a particular concern in Essex County, where the large Hispanic population, and growing number of Cambodian refugees settling in Lynn, presented unique problems for victim and witness advocates in that jurisdiction.

Refugees are traditional targets of crime, but they are an often invisible victim population. Their natural distrust of the criminal justice system, their unfamiliarity with the language and culture, and fear, makes them understandably reluctant or unwilling to report attacks against them. With a grant from the Victim and Witness Assistance Board, the Essex District Attorney's Office established a special unit to provide services to these particularly vulnerable victims, most of whom do not speak English.

Prior to establishing its special program for these victims, the Essex County Victim and Witness Assistance Program had only one bi-lingual advocate to serve the northern region of Lawrence, Havervill, Newburyport and Amesbury; it had one bi-lingual advocate who was available on-call for the southern cities of Lynn, Peabody, Salem, Glouchester and Ipswich. With funding, Essex County hired two bi-lingual advocates who are assigned specifically to serve victims from among the 16.5 percent of the county's population who are Hispanic, and the 1,300 residents who are refugees from Cambodia. The unit is engaged in an intensive education and outreach program for these victims, while also providing them all services mandated under the Victim Bill of Rights. Bi-lingual pamphlets and brochures have been prepared which informs these victims of their rights under the law and the services that are available to them.

Crime against the elderly is a problem throughout Massachusetts, where one in eight residents is over age 65. But in rural Hampden County the proportion is higher, and growing. According to the 1980 census, 13 percent of Hampden County's population is over 65 years of age, and 18 percent are above age 60. Living in isolated areas where there were limited crisis services, fragmented community services, and where police were not readily available, many elderly in Hampden County received no assistance when they were the victims of crime.

In densely populated cities of Hampden County, the elderly are also victimized by street criminals, particularly juveniles. Faced with these needs, the Hampden County Victim and Witness Assistance Program established a specialized unit within the District Attorney's Office to provide all services to elderly victims of crime.

Advocates assigned to this unit are responsible for following all cases of elder abuse and elderly crime victims from their initial intake through final disposition. They arrange transportation for the elderly, guide them through the criminal justice system, assist with special needs like property repairs and insurance, work to ensure that property held as evidence is returned quickly, and coordinate services with local community agencies that assist the elderly.

The program's advocates also conduct safety training seminars to instruct the elderly in techniques for protecting themselves and their property from would-be offenders. The District Attorney's Elderly Crime Victim Unit works closely with Springield's Community Care Mental Health program, which responds to elderly crime victims in crisis immediately following a crime. The program also provides long term psychological care and support services to this vulnerable population.

Below is a summary of the six discretionary grants:

Bristol County: Child Abuse Unit, grant $74,070.*

Essex County: Minority Victim Unit, grant $80,000.

Northwestern District: Child Sexual Abuse Unit, grant $80,000.

Hampden County: Elderly Crime Victim Unit, grant $80,000.

Middlesex County: Child Sexual Abuse Unit, grant $80,000.

Plymouth County: Child Abuse Unit, grant $80,000.

* Bristol County's Child Abuse Unit was funded through the District Attorney formula grant account.

VI. ATTORNEY GENERAL'S VICTIM SERVICES

Providing services to victims of crime is an integral component of the Massachusetts Attorney General's Office. The Attorney General, or his designee, serves as chairman of the Victim and Witness Assistance Board. As mandated by the Victim Bill of Rights, the Board is responsible for providing grants to the eligible district attorney victim witness assistance programs who directly serve victims of crime; educating the public on victim issues; promoting training efforts for law enforcement and criminal justice personnel who have contact with victims and witnesses; and ensuring that the important provisions of the Victims Bill of Rights are effectively carried out.

Since 1968, the Attorney General's office has also administered the Victim of Violent Crime Compensation Program. Under state law, the Attorney General is required to provided services to victims who have filed for compensation with the Civil Bureau. Claims for victim compensation are investigated on a case-by-case basis and recommendations for awards are made to the district courts. In July 1987, Attorney General James M. Shannon announced the creation of the Victim Compensation and Assistance Division. This new division will be responsible for processing all compensation claims.

The Attorney Generals office receives grant funds from the Victim and Witness Assistance Board to provide a victim advocate in the Civil and Criminal Divisions. Within the Criminal Division, the victim advocate provides the full range of services proscribed under the Victims Bill of Rights for those victims who are involved in criminal cases prosecuted by the Attorney General.

These services include orienting victims to the court process, assisting with restitution and compensation claims, providing referrals to needed social services, arranging for transportation of victims and witnesses to hearings and trials, and interceding on a victim's behalf against employers and creditors who threaten a victim with financial loss for cooperating with the Attorney General in a criminal trial.

In FY 87, The Criminal Bureau consisted of 20 Assistant Attorneys General, with a caseload of hundreds of serious felonies. Many of these crimes involve narcotics, breaches of public trust, or other crimes which do not have victims in the traditional sense.

Those cases prosecuted in conjunction with district attorneys do involve victims whose need for services is very real. In those cases, the Attorney General provides extensive services to victims during trial. The absence of a full time advocate in the past has forced the Attorney General to seek these services from the Victim and Witness Assistance Board executive staff.

The new advocate fills this need for victim services in the Attorney General's Office, and the Attorney General's victim compensation unit. This unit processess over 400 claims each year, resulting in court awards of over $1 million to victims of violent crime in Massachusetts.

In the Attorney General's Civil Rights Division, the advocate assists the office meet the special needs of those victims of violence whose civil rights have been violated. Since the Civil Rights Act went into effect, the division has brought 23 actions for injunctive relief -- half of those involving victims who are members of linguistic, racial and ethnic minorities, and all of them involving alleged acts or threats of violence.

Civil Rights violations represent a special trauma for victims and the community, and require a variety of special services provided by the Attorney General's Office.

Outreach to victims and the community is particularly important since the victims of civil rights violations are frequently minority members who have arrived recently to the United States. For the immigrant or refugee who is unfamiliar with the language, and uncertain of how they will be treated by government, there are severe barriers present which discourage them from reporting any crime, especially crimes involving violations of civil rights.

Through bi-lingual pamphlets in Cambodian, Laotian Vietnamese, Chinese, French and Spanish, the Attorney General has successfully dismantled these barriers and encouraged the reporting of civil rights violations. The department's advocate also provides the needed follow-up through direct contact with the community.

Victims of civil rights violations are often involved in both civil and criminal proceedings, which generally proceed in different courts. While district attorney advocates provide some support, the department's victim advocate is experienced in civil rights matters and is able to act as a guide through the criminal court process, providing assistance with transportation, employers and interpreters.

In the past, the Attorney General has provided training for police, court clerks, assistant district attorneys and judges in the elements of the civil rights law and how it can be used. These efforts have been enhanced by the inclusion of a victim advocate who provides training in civil rights cases to county victim and witness advocates and service providers, along with coordinating services for these victims.

Since July 1987, the services once provided by the advocate in the Civil Rights Division and the advocate in the Criminal Bureau, have been provided by advocates in the new consolidated Victim Compensation and Assistance Division of the Attorney General's Office.

VII. PAROLE BOARD VICTIM SERVICES

The Victim and Witness Assistance Board in FY 86 awarded the Parole Board a $92,000 discretionary grant for the creation of a Victim Services Unit to provide victims with services after an offender has been sentenced, and to make the parole process more open to the public.

For most victims, the parole of an offender occurs after regular services from victim assistance programs have ended. Recognizing the special problems that the parole of an offender can create for victims, the Parole Board has provided information, support and assistance to victims involved in the parole process.

Since the passage of the Victim Bill of Rights, the Parole Board has provided notification of parole hearings and parole decisions to victims who have received clearance from the Criminal History Systems Board.

The Parole Board also has sought the active participation of victims in its release deliberations -- exceeding the mandates of the Victim Bill of Rights, which only requires that the Parole Board notify a victim when an offender has been released. The appointment of a part-time victim coordinator in 1985 allowed the Parole Board to better organize its victim services. With the assistance of the Victim and Witness Assistance Board and the Massachusetts Office of Victim Assistance, the Parole Board identified areas of assistance, service, staffing and training that would permit the Parole Board to fully implement the mandates of the Victim Bill of Rights. Funding from the Victim and Witness Assistance Board permitted the Parole Board to provide victim services on a permanent, full-time basis.

The special unit enhances the Parole Board's ability to handle the increasing number of individuals who want more information about parole decisions, and will allow victims to play a more active role in the parole process by providing the Parole Board with information that is indispensable to its deliberations.

Specifically, the Victim Services Unit refers interested victims to the Criminal History Systems Board, where they will be assisted in acquiring Criminal Offender Records Information (CORI) clearance so that they can be notified of parole hearings.

The unit established a confidential file to store impact statements from victims, and other correspondence, on cases that may not be coming to hearing for several years.

The Director of the Parole Board's Victim Unit schedules meetings for victims who wish to meet with Parole Board members to provide them with additional materials and information on cases that will be heard.

The unit designed a procedure to notify CORI cleared victims of the pending release on parole of an offender. Victims have also be given the name and telephone number of the offender's parole officer, and victims will be encouraged to contact the officer if they have any concerns.

VIII. COMMUNITY-BASED VICTIM PROGRAMS

The federal Victims of Crime Act of 1984 (VOCA) was passed to support victim compensation and victim service programs in the states, improve public confidence in the criminal justice system, and place the federal government in a leadership role in the victim's rights movement.

Under VOCA, penalty assessments against those convicted of federal crimes provide financial support for victim compensation and victim services. Capped at $100 million a year, VOCA grants provided $68.3 million for state programs in fiscal year 1987, of which $1.3 million was allocated to Massachusetts under a population-based formula. VOCA funds provide support for state victim compensation programs and victim services, but the law stipulates that federal compensation subsidies cannot exceed 35 percent of the amount distributed in compensation by a state. As a result, $23.6 million in VOCA funds went to compensation programs nationally in fiscal 1986, while $41.3 million was made available to programs providing direct services to victims.

The Victim and Witness Assistance Board was designated by Gov. Michael S. Dukakis as the conduit for the victim service funds received under this federal program. With this authority, the Board has dramatically improved services to victims by providing over $970,000 to community-based programs which directly assist those who have been the victims of crime.

The 27 community programs which were selected to receive VOCA funding are providing services to victims in 13 counties and in 200 of 351 cities and towns in Massachusetts.

The programs provide services to a wide variety of victims: Battered women receive services provided by 15 of the programs selected for funding; victims of sexual assault are given care in 14 programs; child abuse victims are served by seven programs; individual programs concentrate on the needs of minority victims, elderly victims, gay and lesbian victims, refugees who become victims, families of homicide victims, and victims of catastrophic injury; three programs serve all types of victims.

VOCA funds were used to hire 55 full and part-time victim service personnel statewide, and federal money supported the recruitment, training and use of over 100 volunteers. Of the new staff positions financed with federal funds, nine were bi-lingual and bi-cultural. All of the programs financed by VOCA funds provide short term support and longer term counseling to victims; most provide 24 hour emergency victim services; half provide advocacy services to notify victims of their rights under the law; and four provide direct medical treatment for victims. Only non-profit or government agencies providing direct services to victims of crime were eligible for funding. The agencies were also required to use volunteers, promote coordinated victim services in the community, and help victims seeking state compensation. The agencies selected had to document independent sources of financial support, and use of federal funds was restricted to direct services for victims of crime. Under the federal guidelines, priority was given to community organizations assisting victims of sexual assault, domestic violence and child abuse.

Program summaries of the 27 agencies given FY 87 VOCA funds by the Massachusetts Victim and Witness Assistance Board are provided below:

* Battered Women's Services of Women's Resources Inc.. Grant: $8,000.

This agency is a domestic violence program serving 29 communities in Northern Worcester County. Battered Women's Resources hired a legal advocate with VOCA funds to provide comprehensive legal services to women seeking emergency restraining orders, separation agreements and custody orders. This program provides battered women with the legal protections they are guaranteed under the law.

* Blackstone Valley Rape Crisis Team. Grant: $17,297.

This organization operated for eight years as an all volunteer agency before receiving federal funds. The community served by the program relies almost exclusively upon the rape crisis team to provide emergency assistance, counseling and education about sexual assault. VOCA funds allowed to the program to hire a full-time director, and enabled the Rape Crisis Team to expand to meet the needs of the Blackstone Valley community.

* Cambridge Hospital, Victims of Violence Program. Grant: $39,800.

This unit has expanded the scope of outpatient services at Cambridge Hospital by including treatment of victims of battering, sexual assault, and other violent crimes, by a trained interdisciplinary team. The Victims of Violence Program coordinates hospital services for victims with those offered by other community agencies. The program's approach combines psychiatry, psychology, social work, nursing and legal assistance; equal treatment is given to victims whose primary language is either English, Portuguese, or Spanish.

* Chandler Street Center and the Piedmont Opportunity Neighborhood Center. Grant: $25,000.

These centers have combined services in an effort to serve chemically dependent and minority victims of violence. These two treatment centers assist many victims in the greater Worcester area who may currently be underserved and who need crisis intervention, drug or alcohol abuse treatment, counseling and legal assistance.

* Children's Hospital Medical Center, Family Development Clinic. Grant: $79,613.

This Boston-based clinic has a long history of serving abused and neglected children. The Development Clinic is expanding its services to identify and treat the mothers of abused children, who are themselves the victims of abuse and battering. This unique model provides advocacy, counseling and emergency services to battered women and their children through the pediatric setting of Children's Hospital. Every segment of the hospital currently serving children has been trained to identify a mother who might also be the victim of battering or abuse, and to assist them in ending both their own, and their children's victimization.

* Community Care Mental Health Center. Grant: $50,000.

Serving the Springfield area, this mental health center has developed a new program to identify and assist elderly victims of crime. The center has a 24 hour response capability, counseling, and emergency locksmith and carpentry services. The center concentrates on serving the elderly who are victims of abuse and neglect, robbery and personal injury.

* Fenway Community Health Center. Grant: $16,653.

The Fenway program is one of three programs in the nation that provide counseling services specifically to gay and lesbian victims of crime. Serving victims throughout New England, the Fenway Community Health Center used VOCA funds to improve its medical and mental health services for gay and lesbian victims of violence. Both counseling and medical services are provided by the Fenway Community Health Center to this underserved population of victims, and data collected by the program is used to document the needs of gay and lesbian victims of violence in Massachusetts.

* Finex House. Grant: $75,282.

Finex House provides shelter, emergency assistance, counseling and legal advocacy for disabled women, and for women in crisis whose abusers continue to aggressively threaten their lives and safety. Finex House is the only program of its kind in the country, and VOCA funds are the first formal grant that it has ever received, other than private donations. The women served by Finex House are typically women who are victims of sexual coercion, kidnapping, mayhem, battering, and repeated sexual abuse. All of them live in fear for their lives from abusers who are actively pursuing them. Finex House has a strong relationship with the Boston Police Department, which regularly assists the staff in removing women from life-threatening situations.

* Franklin/Hampshire Community Mental Health Center. Grant: $57,559.

With VOCA funding this center has been able to expand services to children who have been sexually abused. Because of the strong reputation it enjoys in the community, the center has had to expand its services. Franklin/Hampshire uses a team approach involving several therapists to provide treatment for children and their non-offending parents and siblings. The program established a treatment program for pre-adolescent and male incest victims, and actively seeks to prevent further trauma of children by coordinating its treatment services with those of other agencies that work with victimized children and their families.

* Greater Cape Ann Human Services. Grant: $65,122.

This agency expanded comprehensive psychiatric services to sexual assault victims to include crisis intervention, clinical evaluation, and long and short term treatment. The Cape Ann program coordinates its work with various agencies, including the Department of Social Services, local hospitals, the District Attorney's Office, and police. Greater Cape Ann Human Services has taken steps to inform the community of its expanded sexual assault services through community education, public relations and by consulting with other professionals and community personnel.

* Greater Lawrence Mental Health Center. Grant: $25,000.

This mental health center houses a sexual assault unit, called Action Against Sexual Assault. This unit recognizes that the impact of sexual violence is not limited to victims of the assault, but also effects the victim's family and significant others. Expanded services include individual as well as group counseling for adult, adolescent and child victims of sexual assault.

* Harbor Me, Inc. Grant: $17,000.

A legal advocate and a direct service provider were hired by Harbor Me with VOCA funds to act as liaison between the courts and victims of domestic violence. The new staff member gives presentations and provides training to court and law

enforcement personnel. Harbor Me, Inc. fosters greater cooperation with law enforcement agencies to end the ongoing abuse that battered women experience. It also acts to encourage women to seek out services available to them.

* Help for Abused Women and Their Children (HAWC). Grant: $10,287.

HAWC provides shelter and support for battered women and their children on the North Shore. VOCA funds allowed the agency to hire a legal, direct service advocate to provide information and assistance to battered women, and provide information and referrals to the local Victim and Witness Assistance Program. HAWC's new advocate assists battered women in obtaining court orders to ensure their safety and the safety of their children.

* Health Information and Referral Services. Grant: $28,418.

This is the only program funded by VOCA that provides counseling services to the families of homicide victims. Located in Marlborough, Health Information and Referral Services established groups to foster support among those who share the common experience of being a surviving family member of a homicide victim.

* Independence House. Grant: $45,460.

Independence House provides emergency shelter and crisis intervention counseling to battered women throughout Cape Cod. Funds provided by a VOCA grant allowed the program to develop a battered women's advocacy project to compliment existing services to battered women and their children. The program provides assistance with the court process, legal information, referral resources and community education. With VOCA funds, the program was able to train new volunteers to assist the project.

* International Institute. Grant: $60,000.

This Boston-based VOCA recipient provides crisis intervention and advocacy services to Southeast Asian, Ethiopian, Haitian and Central American refugees and migrants who are victims of harassment, property crime and personal injury. The Institute employes translators, locksmiths and carpenters who are available on a 24 hour basis, and provides legal assistance to any victims who choose to take their cases to court.

* Island Counseling Services. Grant: $43,500.

Island Counseling provides needed services to a population that suffers from a frequent incidence of domestic violence, sexual assault and child abuse -- much of which accompanies the disproportionately high amount of drug and alcohol abuse within the Cape and Islands. With federal funds, Island Counseling expanded its victim services to include individual and group support for those who have been victims of incest, sexual assault or child abuse, as well as maintain ongoing assistance for the victims of domestic violence it previously served.

* L.U.K., Inc.. Grant: $14,349.

L.U.K., Inc. provides short term counseling and crisis intervention to victims of sexual assault in Worcester County. With VOCA funding, the agency implemented a program for long term care to survivors of sexual assault, and improved the coordination of services with local police departments, the Victim and Witness Assistance Program, and other community programs serving sexual assault victims in the area.

* Methuen Police Department. Grant: $36,661.

Methuen is the only police department receiving VOCA funds. With the grant award, the Methuen Police Department has hired a crisis worker and a bi-lingual advocate who respond to the scene of a crime and provide crisis intervention and support of victims of violence, personal injury and property crimes.

The staff also provides short term counseling, referral services, and follow-up care for victims. In addition, program staff provides training in victim assistance for members of the Methuen Police Department. It is hoped that this model police program will be replicated by other departments interested in establishing their own victim service units.

* New England Learning Center for Women in Transition (NELCWIT). Grant: $22,490.

Based in Greenfield, this program has provided counseling and shelter services to victims of crime for the past 10 years. VOCA funds allowed the program to hire a legal advocate and counselor to assist victims with legal issues. NELCWIT serves victims of both domestic violence and sexual assault. Comprehensive legal assistance is particularly needed in rural western Massachusetts where victims often experience the acute sense of isolation that accompanies a traumatizing victimization. The new position has improved legal referrals and education efforts for local courts and Victim and Witness Assistance Programs.

* New Bedford Women's Center. Grant: $27,531.

This multi-service agency provides 24 hour response services, legal advocacy, counseling, and referrals for victims of sexual assault and domestic violence. VOCA funds allowed the center to expand services to victims of sexual assault by hiring a bi-lingual counselor and a weekend services coordinator. The new positions have enhanced existing services for sexual assault victims, and have encouraged more minority victims to seek help.

* New Hope, Inc. Grant: $19,204.

New Hope's legal advocates provide much needed support for battered women who elect to go to court. VOCA funds have allowed the agency to expand its legal advocacy services for women in the greater Attleboro, Taunton and Norwood areas. New Hope advocates help women to define legal priorities and safety issues.

* Project RAP, Victims of Crime and Loss (VOCAL). Grant: $49,985.

Project RAP provides crisis intervention, a 24 hour hotline, individual clinical assessments, and ongoing victim support groups for all types of victims in Essex County. The primary goal of the Victims of Crime and Loss program is to reduce the trauma that accompanies a victimization and to provide ongoing support for all victims of violence who are in need of services. This program also functions as a local information and referral resource for victims.

* The Rape Crisis Center of Berkshire County. Grant: $33,968.

With its VOCA grant, this rape crisis center in southern Berkshire County has expanded its services to provide counseling and advocacy for children, adults and family members who face the trauma of sexual assault and its emotional aftermath.

* The Rape Crisis Program of Worcester. Grant: $20,000.

With VOCA funds, The Rape Crisis Program of Worcester expanded its comprehensive services for minority victims of sexual assault. A new bi-lingual minority counselor was hired to provide legal assistance, in addition to counseling, and to act as liaison to many community resources in Worcester.

* St. Anne's Hospital. Grant: $71,668.

St. Anne's is a community hospital which uses creative play and individual therapy to treat child victims of sexual assault who suffer from severe trauma. The hospital serves children who have been assaulted primarily by non-caretakers. VOCA funds have been used by St. Anne's to expand the identification, diagnosis and treatment of children who have been sexually assaulted.

* Womanshelter/Compañeras. Grant: $9,250.

Located in Holyoke, this program uses VOCA funds to assist battered women who leave shelters and need ongoing support and assistance. Womanshelter/Compañeras has developed follow-up services providing support, counseling and advocacy to encourage battered women to overcome low self-esteem and the fear of future retaliation. These follow-up services have provided options to women who might otherwise return to an abusive home environment.

IX. LEGISLATIVE INITIATIVES

One of the chief responsibilities of the Massachusetts Office for Victim Assistance is to enhance the efficacy of the Victim Bill of Rights through legislative reform. Each legislative session, the staff of the Victim and Witness Assistance Board draft and sponsor numerous bills designed to expand and improve the rights of victims and witnesses, as well as monitor other pending victim rights legislation. Ensuring that the Victim Bill of Rights remains an effective guardian of the rights of crime victims is a top priority of the Victim and Witness Assistance Board. Working cooperatively with criminal justice agencies, the Board has improved the efficacy of this important statute by offering corrective amendments to the law, and pressing for more conscientious enforcement of its key provisions.

The Board's efforts in the Legislature have resulted in many significant victories for victims and witnesses of crime. Among these accomplishments was a major overhaul of the Victims of Violent Crime Compensation Statute, Chapter 258-A. The victim compensation law provides direct financial assistance to victims for uncovered medical expenses and loss of earnings. The revised law raised the maximum allowable award from $10,000 to $25,000, expanded the number of victims who are eligible for this assistance, extended compensation to non-residents who are victimized in Massachusetts, and eliminated the categorical prohibition that denied compensation to victims of domestic child abuse, spouse abuse, and elder abuse.

The carnage on the state's streets and highways inflicted by drunken drivers has met with stern and vigorous countermeasures from state government in recent years. But for too long the victims of vehicular crimes were excluded from compensation if they were injured, or a loved one killed, by someone who got behind the wheel of a car while intoxicated. For several years the Board petitioned the Legislature to expand compensation eligibility to include victims of drunk driving crashes, without success. But in 1986 that goal was accomplished when Governor Dukakis signed the Safe Roads Act, which, among its many provisions, extended compensation to victims of drunk driving.

Services for victims were expanded in 1986 when an amendment to the General Appropriation Act for FY 87 was passed that enabled the Attorney General to offer direct victims services. Under the original law, the only programs eligible for funding through the dedicated Victim and Witness Assistance Fund were the victim and witness assistance programs administered by the state's district attorneys. Recognizing that there was a compelling need for victim advocacy in the Attorney General's Office, the Board worked for an amendment allowing the Attorney General to provide victims the full range of services mandated under the Victim Bill of Rights. With the successful passage of the Board's amendment, the Attorney General's Office became eligible for state grants to provide victim services in cases prosecuted by the Attorney General, and has since been awarded grants for these programs from the Victim and Witness Assistance Board.

The prosecution of child abuse and child sexual abuse cases present unique difficulties for law enforcement officials. The criminal justice system is forbidding even for adults who understand it, but is especially so for children who are anxious and confused when they are called into court to present testimony. To ease the trauma a child may suffer from repeated interrogations or courtroom examinations, the Board joined with many other groups in co-sponsoring legislation allowing the videotaped testimony of children to be entered into evidence against an alleged abuser. This new law has allowed children to present testimony in a non-threatening environment, while still maintaining a defendant's due process protections. It has also freed the hand of prosecutors to seek convictions against suspected child abusers.

In addition to these legislative successes, the Board is actively working for passage of the following bills:

<u>An Act Relative to the Statute of Limitations for Prosecuting Certain Crimes Involving Child Victims: Senate Bill 727.</u>

The statute of limitations in Massachusetts is generally six years, except for certain categories of very serious crime where the statute of limitations is extended to 10 years. Among the crimes the state has reserved for the extended 10 year statute of limitations are rape and assault of children under 16 years of age.

By extending the statute of limitations to 10 years for crimes against children, Massachusetts law recognizes that these crimes are the most serious that occur, and should be treated most seriously by the courts, law enforcement and the criminal justice system.

But the present statute of limitations is deficient. It does not account for the unique problems of children, who often do not understand that they have been the victim of a crime until they are much older. These crimes are frequently never reported because very young children are often confused when they are victimized, or feel that they are somehow to blame when they are raped or beaten, or are simply afraid to tell anyone when they are assaulted. By the time these crimes are reported to police the statute of limitations has often expired. This is especially true in cases of incest, but it often occurs in cases where a child is molested by someone who is not a member of the family. This makes crimes against children among the most difficult to prosecute.

The proposed legislation would maintain the existing 10 year statute of limitations on crimes against children, but delays its commencement until the child reaches age 16 when he or she is better able to come forward and report a crime.

At least 17 states have passed bills extending the statute of limitations for crimes against children.

An Act Relative to Child Victims and Witnesses: Senate Bill 728.

This bill is intended to provide intensive court services to child victims involved in the court system. Hundreds of thousands of child victims each year are expected to negotiate a court process that confounds most adults, without the benefit of special procedures and protections. This is in direct contrast to the deferential treatment provided to juvenile offenders in the system.

The juvenile justice system recognizes and understands that children have special experiences, capacities and vulnerabilities that are significantly different from those of adults. But that sensitivity extends only to youthful

offenders, not to young victims. Child victims who are drawn into the adult criminal justice system as a witness are afforded few protections, which further traumatizes children and their families, and defeats many prosecutions of those who prey on children.

The legislation amends the Victim Bill of Rights to provide for special child victim advocates in district attorneys offices who are specifically trained to intervene in child victim cases. The advocate would assist the child and the child's family to cope with the impact of crime, act as a friend of the court to advise the judge of the child's ability to understand and cooperate with any court proceedings, explain all court proceedings to the child in language they can understand, and advise the district attorney on the child's ability to cooperate with the prosecution.

An Act to Protect Victims and Witnesses Who Testify at Criminal Proceedings: Senate Bill 729.

This bill is intended to protect victims and witnesses of crime from losing their jobs or suffering other financial penalties from their employers for taking leave from work to testify at criminal proceedings. The Victim Bill of Rights requires victim advocates to intercede with employers should a victim or witness be threatened with loss of job or other penalty.

But there are no sanctions currently in statute to prevent an employer from retaliating against a worker who cooperates with prosecutors.

Under the proposed legislation, employers who penalize workers for their participation in a case would be guilty of contempt of court and would face a fine of not more than $200 and imprisonment for not more than 30 days. Illinois, New York and Wisconsin have enacted similar statutes protecting witnesses who have been issued a subpoena to testify, and victims who have participated voluntarily.

An Act Establishing the Right of Crime Victims to Attend Court Proceedings: Senate Bill 731.

Under present law, victims can be virtually excluded from a trial if defense counsel lists them as a potential witness and requests that they be sequestered. This legislation would allow crime victims to be present throughout the criminal court proceedings by exempting them from the witness sequestration rules, and by establishing a right of victims to be present at all proceedings relating to their case. At least nine states have enacted statutes supportive of a victim's right to attend criminal proceedings.

An Act Providing that the Name of a Victim of a Violent Crime May Be Held from Public Disclosure: Senate Bill 734.

Under present Massachusetts law, the name of a victim is withheld from public disclosure in cases of rape, rape of a child under 16, rape of a child, assault with intent to commit rape, and assault on a child under 16 with intent to commit rape. While the names of victims are kept in confidence, their telephone numbers and home addresses continue to be matters of public record, and are routinely released. This compromises the intent of this privacy statute, since it is an easy task to uncover a victim's name once their address or telephone number is known.

The proposed legislation expands the victim privacy statute by making it unlawful to release the telephone numbers and the home addresses of victims. It also expands the number of crimes subject to these privacy safeguards for the victims.

An Act Relative to Attendance at Juvenile Court Proceedings: Senate Bill 735.

In contrast to criminal proceedings, which are open to the public, juvenile proceedings in Massachusetts may be closed to all persons except those with a direct interest in a case. Judges are given broad discretion to exclude persons from juvenile proceedings, including victims and their families.

The proposed legislation would amend this exclusionary statute by allowing victims to be accompanied by their attorneys and their advocates at juvenile court sessions. The existing practice is perceived by victims, their attorneys and their advocates as unfair since victims require moral and legal support in negotiating the often painful juvenile court process. The legislation would also allow victims' attorneys to attend sessions in cases where the victims themselves have been excluded. Washington, California and Maine have enacted statutes providing for open access to juvenile sessions, subject to certain restrictions.

An Act Establishing a Child Victims Trust Fund: Senate Bill 4111.

This bill would create a funding mechanism to support programs which work toward the prevention of child abuse and exploitation. The bill would establish a Child Victim's Trust Fund supported by a two dollar increase in birth certificate fees and a two dollar voluntary check-off on tax returns.

The trust fund is designed to bridge a gap in funding for child prevention programs that is expected to come in 1988 when there will be a major reduction in federal funding for victim services. In the past six years, 30 states have established child victims trust funds.

An Act Relative to Crime Victim Restitution: House Bill 903.

The proposed legislation would require the sentencing court judge to order full restitution if he finds that a victim had suffered actual financial loss or property damage as a result of a crime. If the judge declines to order restitution he would be required to state his reasons in writing. The court may require victims to submit written substantiation of damages, and may waive restitution if it would cause severe financial hardship for the defendant or the defendant's family. Under present law, the presiding justice has sole discretion in deciding whether restitution will be ordered. No state law compels the judge to demand it.

The Victims of Violent Crime Compensation Program, public service programs and private insurance policies do not cover many of the losses suffered by victims, especially property losses. Even where coverage is available, it rarely provides full reimbursement for losses.

X. VICTIM ASSISTANCE FUND COLLECTIONS

Since 1984, the costs of services for victims and witnesses of crime have been borne primarily by convicted criminal offenders, rather than by the taxpayers of Massachusetts. The Victim Bill of Rights created a Victim and Witness Assistance Fund that provides a dependable source of revenues for the funding of MOVA, the Victim and Witness Assistance Board, and the victim and witness assistance programs administered by the state's 11 district attorneys.

Under state law, sentencing judges are required to assess a $25 fine against those convicted of a serious crime, and impose a $15 penalty assessment against persons found guilty of lesser offenses. The imposition of these fines may be waived by the judge in cases of indigency or financial hardship.

These penalty assessments are deposited into the Victim and Witness Assistance Fund to finance state programs that benefit victims and witnesses of crime. Revenues from the fund are distributed to district attorney victim and witness assistance programs based on a formula that takes account of a jurisdiction's population, level of crime, and number of criminal court sessions. These funds supplement the revenues allocated to victim and witness assistance programs from the district attorneys' own budgets. Discretionary grants that target services to selected victim populations are also financed through the Victim and Witness Assistance Fund. The Massachusetts Office of Victim Assistance monitors the collections of these penalty assessments and issues periodic collections reports to the public, press and appropriate agencies of government.

Collections for the Victim and Witness Assistance Fund have grown steadily since it was created in 1984, reflecting the increased number of convictions and more conscientious imposition of penalty assessments by sentencing judges. Collections in the Victim and Witness Assistance Fund for FY 1985 were $2,286,512. In Fiscal Year 1986, total collections were $3,453,632.84, and as of June 30th, collections for Fiscal Year 1987 totalled $4,476,000.

APPENDIX A

MASSACHUSETTS VICTIM BILL OF RIGHTS

MASSACHUSETTS VICTIM BILL OF RIGHTS

SECTION-BY-SECTION-DESCRIPTION

Section 1. Establishes the Victim and Witness Assistance Fund by amending Chapter 10 of the Massachusetts General Laws.

Section 2. Rights of Victims and Witnesses of Crime by establishing Chapter 258B of the Massachusetts General Laws.

- §§1 Definitions for the purpose of this chapter.
- §§2 Eligibility requirements for services.
- §§3 Rights afforded victims of crime.
- §§4 Establishes the Victim and Witness Assistance Board.
- §§5 Establishes programs in the District Attorneys' Offices to afford victims and witnesses of crime rights and services described in this chapter.
- §§6 District Attorney Program Plan Requirements.
- §§7 Requires Interagency Cooperation.
- §§8 Court Assessments.
- §§9 Deposit of Assessments.
- §§10 Construction and Immunity Clause.

Section 3. Victim Impact Statements and Victim Allocution Statements. By establishing Chapter 279 §4A of the Massachusetts General Laws.

Section 4. District Attorney Program Plan annual application deadline.

Section 5. Special Commission established to study the effect of crime on victims and the sufficiency of available services.

1986 Amendment: Chapter 420 of the Acts of 1986 Allows for Victim Impact Statements to be submitted to the Parole Board by amending 258B by adding subsection (h) to Section 3.

THE COMMONWEALTH OF MASSACHUSETTS

ADVANCE COPY 1983 ACTS AND RESOLVES

MICHAEL JOSEPH CONNOLLY, SECRETARY OF STATE

Chap. 694. ESTABLISHING CERTAIN RIGHTS OF VICTIMS OF CRIMES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 10 of the General Laws is hereby amended by adding the following section:-

Section 49. There shall be established upon the books of the commonwealth a separate fund to be known as the Victim and Witness Assistance Fund, consisting of revenues received under the provisions of chapter two hundred and fifty-eight B, and all other monies credited or transferred thereto from any other fund or source pursuant to law.

The state treasurer shall receive, deposit, and invest all monies transmitted to him under the provisions of this section in such manner that will insure the highest interest rate available consistent with safety of the fund and with the requirement that monies transmitted to the state treasurer pursuant to section eight of said chapter two hundred and fifty-eight B be available for immediate withdrawal for payment to any person who has paid an assessment to a court pursuant to said section eight and whose appeal has been upheld.

SECTION 2. The General Laws are hereby amended by inserting after chapter 258A the following chapter:-

CHAPTER 258B.

RIGHTS OF VICTIMS AND WITNESSES OF CRIME.

Section 1. The following words as used in this chapter shall have the following meanings, unless the context otherwise requires:-

"Board", the victim and witness assistance board as established in section four;

"Court", a forum established under the general laws for the adjudication of criminal complaints or indictments;

"Crime", an act committed in the commonwealth which would constitute a crime if committed by a competent adult including any act which may result in an adjudication of delinquency;

"Disposition", the sentencing or determination of penalty or punishment to be imposed upon a person convicted of a crime or found delinquent or against whom a finding of sufficient facts for conviction or finding of delinquency is made;

"Family member", a spouse, child, sibling, parent, or legal guardian of a victim;

"Restitution", money or services which a court orders a defendant to pay or render to a victim as part of the disposition;

"Victim", a natural person who suffers direct or threatened physical, emotional or financial harm as the result of the commission or attempted commission of a crime and shall also include the family members of a minor, incompetent or a homicide victim.

"Witness", any person who has been or is expected to be summoned to testify for the prosecution whether or not any action or proceeding has yet been commenced.

Section 2. A victim has the rights and is eligible for the services set forth under this chapter only if such victim reported the crime to law enforcement authorities within five days of its occurrence or discovery, unless the district attorney finds that a good cause existed for not having done so.

Section 3. To the extent possible and subject to the available resources, victims and witnesses of crime, or in the case of a homicide, the family members of the victim whether or not such members are witnesses in any criminal proceeding, shall be afforded the following rights where applicable:

(a) for victims and witnesses to be informed by the prosecutor of the final disposition of the case and shall, at their request, be informed by the appropriate custodial authority whenever the defendant receives a temporary, provisional or final release from custody or whenever the defendant escapes from custody. Those persons requesting such notice must provide the appropriate authority with current information as to address and telephone number;

(b) for victims and witnesses, to be notified by the district attorney, in a timely manner, when a court proceeding to which they have been summoned will not go on as scheduled;

(c) for victims and witnesses, to be provided with information by the district attorney as to the level of protection available and to receive protection from the local law enforcement agencies from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;

(d) for victims and witnesses, to be informed by the district attorney of financial assistance and other social services available to victims or witnesses of a crime, including information relative to applying for such assistance or services;

(e) for victims, to be informed by the district attorney of the right to request that restitution be an element of the final disposition of a case and to obtain assistance in the documentation of the victim's losses;

(f) for victims and witnesses, to be informed by the court and the district attorney of procedures to be followed in order to apply for and receive any witness fee to which they are entitled;

(g) for victims, family members, and witnesses, to be provided a secure waiting area or room during court proceedings by the district attorney;

(h) for victims to have the opportunity to inform the court of the impact of the crime pursuant to section four A of chapter two hundred and seventy-nine;

(i) for victims to have any personal property that was stolen or taken for evidentiary purposes, except contraband, property subject to evidentiary analysis, and property the ownership of which is disputed, returned by the court, the district attorney, or law enforcement agencies within ten days of its taking or recovery if it is not needed for law enforcement or prosecution purposes or as expeditiously as possible when said property is no longer needed for law enforcement or prosecution purposes;

(j) for victims and witnesses, to be provided, where appropriate, with employer and creditor intercession services by the district attorney to seek employer cooperation in minimizing

employees' loss of pay and other benefits resulting from their participation in the criminal justice process, and to seek consideration from creditors if the victim is unable, temporarily, to continue payments.

(k) for victims and witnesses, to a prompt disposition of the case in which they are involved as a victim or a witness.

Section 4. There is hereby established a victim and witness assistance board, to consist of five members who shall serve without compensation. Notwithstanding any provision of section six of chapter two hundred and sixty-eight A to the contrary, the board shall consist of the attorney general or his designee who shall be chairman, two district attorneys who shall be appointed by the governor, and two members of the public who shall be appointed by the governor, of whom one shall be a victim. The members of the board first appointed shall serve as follows: of the district attorneys appointed by the governor, one shall serve for three years, and one shall serve for one year, of the members of the public appointed by the governor, one shall serve for three years and one shall serve for two years. The successor of each such member shall serve for a term of three years and until his successor is duly appointed and qualified, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Any member of the board shall be eligible for reappointment.

The board shall by majority vote of its members, appoint an executive director who shall serve, subject to appropriation, at such rate of compensation as the board directs for a term of three years unless removed for cause by a vote of four members of the board. The executive director, subject to appropriation, shall have the power to hire such staff, subject to the approval of the board, as is needed to fulfill the powers and duties of the board. The executive director shall have such other powers and duties as the board may delegate to him.

The provisions of chapter thirty-one shall not apply to the excutive director or any employee of the board.

The board shall review and approve program plans, annual reports, and the implementation and operation of programs as described in this chapter. The board shall, subject to appropriation, and from the funds made available from the Victim and Witness Assistance Fund, as established in section nine of this chapter or from funds made available from any other public or private source, provide funding for the preparation, submission and approval of plans required under section six and for the operation of approved comprehensive victim and witness assistance programs pursuant to section five, as the board deems appropriate. Administrative costs related to the operation of the board including compensation for the executive director and staff, subject to appropriation, shall be paid from the Victim and Witness Assistance Fund.

The board shall promulgate rules for the preparation, review, approval, and implementation of program plans and annual reports, and for the administration and operation of programs approved under this section. Said rules shall include criteria to guide district attorneys in determining, for purposes of this chapter, whether a particular crime has a victim and who is the victim of such crime.

In addition to the foregoing, the board shall:

(a) have printed and shall make available to social service agencies, medical facilities, and law enforcement agencies, cards, posters, brochures or other materials explaining the victim and witness rights and services established under this chapter and the victim compensation program as provided under chapter two hundred and fifty-eight A;

(b) assist hospitals, clinics and other medical facilities, whether public or private, in disseminating information giving notice of the rights established under this chapter and the availability of compensation to victims of crime pursuant to said chapter two hundred and fifty-eight A. This assistance may include providing informational materials including posters suitable to be displayed in emergency and waiting rooms;

(c) assist law enforcement agencies in familiarizing all of their officers and employees with the crime victims' rights as provided under this chapter, as well as victim compensation available under said chapter two hundred and fifty-eight A. This assistance may include supplying informational literature on this subject to be utilized as part of the training curriculum for all trainee officers; and

(d) assist all local law enforcement agencies in establishing procedures whereby expedient notification is given to victims and witnesses, as defined under this chapter, of the rights provided under this chapter, as well as the compensation services provided under said chapter two hundred and fifty-eight A. In municipalities which do not have a local law enforcement agency, the board shall establish procedures whereby it, in cooperation with the state police, shall give notice to victims of crimes as provided in this section.

Section 5. Each district attorney shall create and maintain, to the extent reasonably possible and subject to the available resources, a program to afford victims and witnesses of crimes the rights and services described in this chapter. Those services shall include but not be limited to the following:

(a) court appearance notification services, including cancellations of appearances;

(b) informational services relative to the availability and collection of witness fees, victim compensation and restitution;

(c) escort and other transportation services related to the investigation or prosecution of the case, if necessary;

(d) case process notification services;

(e) employer intercession services;

(f) expedited return of property services;

(g) protection services;

(h) family support services including child and other dependent care services;

(i) waiting facilities; and

(j) social service referrals.

Section 6. Each district attorney shall submit annually to the board a program plan to be implemented within the district attorney's jurisdiction. The program plan shall include but not be limited to: a description of the services to be provided to victims and witnesses in each judicial district within the district attorney's jurisdiction; the personnel or agencies responsible for providing individual services and related administrative programs; proposed staffing for the program; proposed education, training and experience requirements for program staff and, where appropriate, the staff of agencies providing individual

services and related administrative services; and a proposed budget for implementing the program. The district attorney shall include in the annual program plan a detailed report on the operation of the program during the preceding year.

Section 7. The district attorney, local law enforcement agencies, local social service agencies, and court shall cooperate to afford victims and witnesses of crimes, the rights and services described in this chapter.

Section 8. The court shall impose an assessment of twenty-five dollars against any person who has attained the age of seventeen years and who is convicted of a felony or against whom a finding of sufficient facts for a conviction is made on a complaint charging a felony. The court shall impose an assessment of fifteen dollars against any person who has attained the age of seventeen and who is convicted of a misdemeanor or against whom a finding of sufficient facts for a conviction is made on a complaint charging a misdemeanor. The court shall impose an assessment of fifteen dollars against any person who has attained the age of fourteen years and who is adjudicated a delinquent child or against whom a finding of sufficient facts for a finding of delinquency is made. When multiple offenses arising from a single incident are charged, the total assessment shall not exceed twenty-five dollars, provided however, that the total assessment against a person who has not attained seventeen years shall not exceed fifteen dollars. In the discretion of the court, any assessment imposed pursuant to this section which would cause the person against whom the assessment is imposed severe financial hardship, may be reduced or waived.

All such assessments made shall be collected by the court and shall be transmitted monthly to the state treasurer. The assessment from any conviction or adjudication of delinquency which is subsequently overturned on appeal shall be refunded by the court to the person whose conviction or adjudication of delinquency is overturned. Said court shall deduct such funds from the assessments transmitted to the state treasurer. Assessments pursuant to this section shall be in addition to any other fines or restitution imposed in any disposition.

Section 9. Any assessment imposed pursuant to section eight shall be deposited in the Victim and Witness Assistance Fund, established by section forty-nine of chapter ten. The proceeds of the fund shall be made available, except as provided in said section forty-nine and, subject to appropriation, to the board which shall determine the amounts to be disbursed to the public programs described in section five and approved by the board which provide comprehensive services to victims and witnesses of all types of crimes and do not restrict services to victims and witnesses of a particular type of crime.

Section 10. Nothing in this chapter shall be construed as creating a cause of action on behalf of any person against any public employee, public agency, the commonwealth or any agency responsible for the enforcement of rights and provision of services set forth in this chapter.

SECTION 3. Chapter 279 of the General Laws is hereby amended by inserting after section 4A the following section:-

Section 4B. Before disposition in any case where a defendant has been found guilty of the provisions of paragraph (b) of section twenty-four G of chapter ninety or any felony, excluding

any crime for which a sentence of death may be imposed, and which involves an identified victim whose whereabouts are known, the dis ict attorney shall give the victim actual notice of the time and place of sentencing and of the victim's right to make a statement to the court, orally or in writing at the victim's option, as to the impact of the crime and as to a recommended sentence. Before disposition, the court shall allow any victim who elects to make such an oral statement the opportunity to do so in the presence of the defendant. Before disposition, the district attorney shall file any such written statement with the court and shall make it available to the defendant.

If the victim is unable to make an oral or written statement because of his mental, emotional, or physical incapacity or his age, his attorney or a designated family member shall be provided the notice and the opportunity to make a statement prescribed in this paragraph.

Before said disposition the office of the district attorney shall cause to be prepared a written statement as to the impact of the crime on the victim, which shall be filed with the court as part of the presentence report and made available to the defendant. The statement shall include the following: (1) the name of the victim; (2) documentation of the net financial loss, if any, suffered by the victim or a family member as a result of the crime; (3) in cases where the crime has had an impact on the victim's personal welfare or family relationship or has had a psychological impact on the victim or his family, a statement of such impact.

The court shall allow the defendant to have the opportunity to rebut the victim's oral or written statement and the district attorney's written statement if the court decides to rely upon such statements or parts thereof in imposing sentence.

No sentence shall be invalidated because of failure to comply with the provisions of this section. This section shall not be construed to create any cause of action or any right of appeal on behalf of any person.

SECTION 4. Each district attorney shall submit a program plan to the victim and witness assistance board pursuant to section six of chapter two hundred and fifty-eight B of the General Laws on or before August first, of nineteen hundred and eighty-four and of every year thereafter.

SECTION 5. A special commission, to consist of three members of the senate, five members of the house of representatives, a justice of the district court department of the trial court to be appointed by the chief justice, a justice of the Boston municipal court department of the trial court to be appointed by the chief justice, a justice of the superior court department of the trial court to be appointed by the chief justice and five persons to be appointed by the governor, one of whom shall be a district attorney, one of whom shall be a law enforcement officer, and one of whom shall be a person who has been a victim of a violent crime is hereby established for the purpose of making an investigation and study of the effects of crime on the victims thereof. Said investigation shall include, but not be limited to, the adequacy and efficiency of: the programs of services to the victims and witnesses of crimes, as provided under the provisions of chapter two hundred and fifty-eight B of the General Laws; the

programs of public information relative to victims and witnesses rights; the programs for victim restitution and compensation and the availa' lity and sufficiency of funding mechanisms for said programs. The chairman of said commission shall be elected by a majority vote of the members. Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerk of the house of representatives on or before the last Wednesday in December, nineteen hundred and eighty-four.

Approved December 21, 1983.

CHAPTER 258B.

RIGHTS OF VICTIMS AND WITNESSES OF CRIME.

258B:3. Rights of Victims and Witnesses of Crime.

[Clause (h) as amended by 1986, 420 effective January 6, 1987. For text effective until January 6, 1987, see 1984 Edition.]

(h) for a victim to have the opportunity to inform the court of the impact of the crime pursuant to section four B of chapter two hundred and seventy-nine and to request the court to submit such information to the parole board for inclusion in its records regarding the perpetrator of the crime against such victim;

APPENDIX B

VICTIM ASSISTANCE FUND COLLECTIONS

VICTIM ASSISTANCE FUND COLLECTIONS

	FY 85*	FY 86	FY 87**
Barnstable	$135,408	$163,954	N.A.
Berkshire	$37,504	$50,923	N.A.
Bristol	$181,495	$248,112	N.A.
Essex	$245,251	$302,870	N.A.
Franklin/ Hampshire	$96,910	$121,564	N.A.
Hampden	$150,495	$198,570	N.A.
Middlesex	$651,303	$810,174	N.A.
Norfolk	$168,585	$245,138	N.A.
Plymouth	$205,308	$250,464	N.A.
Suffolk	$216,538	$319,023	N.A.
Worcester	$409,065	$493,868	N.A.
TOTAL	$2,543,447	$3,279,309	$4,476,000

*March 1984 through June 1985

**Through June 1, 1987

COLLECTION REPORT 1985 - VICTIM/WITNESS ASSISTANCE FUND

District Court *Ranked by criminal complaints		Cumulative Collections	Rank by Collections
1	Worcester	143,876.25	1
2	Brockton	64,408.50	10
3	Lowell	68,518.50	7
4	Dudley	51,845	16
5	Barnstable	64,183	11
6	Cambridge	70,752.50	6
7	Springfield	86,019	3
8	Quincy	50,915	18
9	Taunton	41,550	24
10	Lynn	63,720	12
11	Westborough	29,677.50	31
12	Hingham	77,410	5
13	Framingham	82,205	4
14	Lawrence	51,075	17
15	Dorchester	24,448	39
16	Wareham	36,425	29
17	Fall River	57,230	14
18	Roxbury	48,960.50	19
19	Salem	27,280	33
20	New Bedford	44,600	23
21	Northampton	53,620	15
22	Gardner	37,915	27
23	Palmer	15,570	55
24	Attleboro	38,115	26
25	Clinton	26,644.50	36
26	BMC	26,685	35
27	Plymouth	27,064.50	34
28	Wrentham	46,350	20
29	Brookline	16,975	53
30	Dedham	38,510	25
31	Malden	44,646	22
32	Woburn	98,367	2
33	Waltham	66,445	9
34	Ayer	44,825	21
35	Orleans	60,035	13

District Court *Ranked by criminal complaints		Cumulative Collections	Rank by Collections
36	Stoughton	15,835	54
37	Milford	22,477	46
38	Chicopee	13,230	59
39	Chelsea	34,620	30
40	Concord	67,746	8
41	Haverhill	9,300	66
42	West Roxbury	14,750	56
43	East Boston	22,625	45
44	Pittsfield	13,274	58
45	South Boston	10,295	64
46	Peabody	22,470	47
47	Newton	22,700	44
48	Greenfield	12,925	60
49	Newburyport	22,703	43
50	Leominster	22,200	48
51	Somerville	37,519	28
52	Marlborough	26,110	37
53	Fitchburg	29,005.50	32
54	Gloucester	25,755	38
55	Spencer	17,855	51
56	North Berkshire	9,845	65
57	Uxbridge	23,860	41
58	Natick	21,469	49
59	Holyoke	11,682	61
60	Charlestown	10,815	63
61	Brighton	23,340	42
62	South Berkshire	14,385	57
63	Amesbury	17,470	52
64	Westfield	23,994	40
65	Edgartown	6,785	67
66	Orange	11,060	62
67	Ware	19,305	50
68	Ipswich	5,478.22	68
69	Winchendon	3,710	70
70	Nantucket	4,405	69

*District Courts are ranked by volume of criminal complaints, including criminalized motor vehicle; and juvenile complaints, including criminalized motor vehicle, disposed of in FY'84.

COLLECTION REPORT FY86--VICTIM/WITNESS ASSISTANCE FUND

District Court *Ranked by criminal complaints		Cumulative Collections	Rank by Collections	District Court *Ranked by criminal complaints		Cumulative Collections	Rank by Collections
1	Worcester	184,591	1	36	Stoughton	18,996	55
2	Brockton	80,254.50	10	37	Milford	44,360	30
3	Lowell	70,462.50	14	38	Chicopee	14,719	63
4	Dudley	64,644.50	18	39	Chelsea	37,342	37
5	Barnstable	76,306	12	40	Concord	71,007	13
6	Cambridge	107,828.75	4	41	Haverhill	11,712.75	66
7	Springfield	108,804	3	42	West Roxbury	48,857	26
8	Quincy	65,485	17	43	East Boston	28,425	45
9	Taunton	44,260	31	44	Pittsfield	20,374	53
10	Lynn	93,685	6	45	South Boston	20,720	52
11	Westborough	33,011.50	39	46	Peabody	29,165	44
12	Hingham	92,877.79	7	47	Newton	41,820	33
13	Framingham	101,060	5	48	Greenfield	12,330	65
14	Lawrence	55,993	22	49	Newburyport	25,270	50
15	Dorchester	30,187.15	43	50	Leominster	14,815	62
16	Wareham	46,737.50	28	51	Somerville	64,308	19
17	Fall River	86,434.50	8	52	Marlborough	32,700	40
18	Roxbury	60,518.50	21	53	Fitchburg	26,355	48
19	Salem	47,570	27	54	Gloucester	27,455	46
20	New Bedford	68,455	15	55	Spencer	20,325	54
21	Northampton	76,517.25	11	56	North Berkshire	14,519	64
22	Gardner	31,851	41	57	Uxbridge	23,805	51
23	Palmer	33,632	38	58	Natick	26,954	47
24	Attleboro	48,962.50	25	59	Holyoke	15,070	61
25	Clinton	45,645.75	29	60	Charlestown	16,345	58
26	BMC	37,734	36	61	Brighton	38,895	35
27	Plymouth	30,325	42	62	South Berkshire	16,030	59
28	Wrentham	65,490	16	63	Amesbury	6,635	67
29	Brookline	55,722	23	64	Westfield	26,345	49
30	Dedham	39,445	34	65	Edgartown	17,661	56
31	Malden	50,600	24	66	Orange	15,155	60
32	Woburn	117,778	2	67	Ware	17,562.50	57
33	Waltham	81,963	9	68	Ipswich	5,385	69
34	Ayer	43,693	32	69	Winchendon	4,465	70
35	Orleans	63,902.50	20	70	Nantucket	6,085	68

* District Courts are ranked by volume of criminal complaints, including criminalized motor vehicle; and juvenile complaints, including criminalized motor vehicle, disposed of in FY '84.

APPENDIX C

PROGRAM FINANCIAL STATISTICS

VICTIM ASSISTANCE PROGRAM

FORMULA GRANT ALLOCATIONS

	FY 85	FY 86	FY87	FY88
Barnstable	$72,727	$119,190	$136,321	$143,903
Berkshire	$72,727	$102,810	$115,989	$118,909
Bristol	$72,727	$168,460	$189,244	$208,823
Essex	$72,727	$217,340	$247,101	$251,183
Franklin/ Hampshire	$72,727	$109,830	$126,604	$129,296
Hampden	$72,727	$168,460	$198,812	$192,918
Middlesex	$72,727	$321,405	$381,053	$393,358*
Norfolk	$72,727	$178,600	$208,679	$212,394
Plymouth	$72,727	$163,650	$181,620	$193,729
Suffolk	$72,727	$321,405	$364,757	$404,069
Worcester	$36,000**	$221,140**	$256,071**	$216,515
TOTAL	$763,270	$1,870,290	$2,406,251	$2,465,097

*$50,097 funded through discretionary grant appropriation

**Worcester County was eligible for a formula grant of the indicated amount, but no grant was awarded. Funds were reallocated to the other district attorneys on a discretionary basis.

VICTIM AND WITNESS ASSISTANCE PROGRAM

Staffing (By Budget) and Court Obligations

	Formula Grants	Discre-tionary Grants	District Attorney Budget	No. of District Courts	No. of Superior Courts	No. of Juvenile Sessions	No. of Jury of Six
Barnstable	5	0	0	4	3	4	3
Berkshire	4	0	1	6	1	3	1
Bristol	8	4	4	4	1	4	1
Essex	12	4	8	9	2	9	3
Franklin/ Hampshire	6	2	3	4	2	4	2
Hampden	8	3	0	5	1	5	2
Middlesex	14	2.5	11	12	2	12	3
Norfolk	13	4	3	5	1	5	1
Plymouth	7	1	2	4	2	4	2
Suffolk	16	0	13	9	1	9	1
Worcester	0	0	5	11	1	11	2
TOTAL	93	20.5	50	73	17	70	21

VICTIM/WITNESS ASSISTANCE BOARD

FISCAL YEAR 1986 GRANT FORMULA

COUNTY	POPULATION	20%	CRIME INDEX	30%	CRIMINAL CASELOAD	25%	CRIMINAL SESSIONS	25%	TOTAL %	1.3 MILLION + $72,000
BARNSTABLE	161,954 2.82%	.56%	10,450 3.92%	1.18%	26,167 4.04%	1.01%	5.9375 3.53%	.88%	3.63%	$119,190
BERKSHIRE	145,110 2.53%	.51%	4,385 1.65%	.50%	13,982 2.16%	.54%	5.525 3.29%	.82%	2.37%	$102,810
BRISTOL	474,641 8.27%	1.65%	19,946 7.49%	2.25%	42,463 6.56%	1.64%	12.625 7.51%	1.88%	7.42%	$168,460
ESSEX	633,632 11.04%	2.21%	26,657 10.01%	3.00%	84,289 13.02%	3.26%	18.2375 10.85%	2.71%	11.18%	$217,340
FRANKLIN & HAMPSHIRE	203,130 3.54%	.71%	3,987 1.50%	.45%	21,141 3.27%	.83%	6.2375 3.71%	.93%	2.91%	$109,830
HAMPDEN	443,018 7.72%	1.54%	21,424 8.04%	2.41%	37,908 5.85%	1.46%	13.4875 8.02%	2.01%	7.42%	$168,460
MIDDLESEX	1,367,034 23.83%	4.77%	51,724 19.42%	5.83%	101,351 17.04%	4.26%	31.13125 18.52%	4.63%	19.49%	$321,405
NORFOLK	606,587 10.57%	2.11%	18,596 6.98%	2.09%	57,056 8.81%	2.20%	12.10 7.20%	1.80%	8.20%	$178,600
PLYMOUTH	405,487 7.07%	1.41%	11,913 4.47%	1.34%	66,047 10.20%	2.55%	11.7375 6.98%	1.75%	7.05%	$163,650
SUFFOLK	650,142 11.33%	2.27%	73,644 27.65%	8.30%	90,541 13.98%	3.50%	32.3525 19.24%	4.81%	18.88%	$321,405
WORCESTER	646,352 11.27%	2.25%	23,606 8.86%	2.66%	97,510 15.06%	3.77%	18.7375 11.15%	2.79%	11.47%	$221,140

VICTIM/WITNESS ASSISTANCE BOARD

FISCAL YEAR 1987 GRANT FORMULA

COUNTY	POPULATION	20%	CRIME INDEX	30%	CRIMINAL CASELOAD	25%	CRIMINAL SESSIONS	25%	TOTAL %	1.3M + 72,000 x 15%
Barnstable	161,954 2.82%	.56%	9,807 4.07%	1.22	42,848 3.66	.92	5.9375 3.53%	.88%	3.58	136,321.00
Berkshire	145,110 2.53%	.51%	3,679 1.53	.46	19,943 1.70	.43	5.525 3.29%	.82%	2.22	115,989.00
Bristol	474,641 8.27%	1.65%	17,351 7.19	2.16	66,973 5.72	1.43	12.625 7.51%	1.88%	7.12	189,244.00
Essex	633,632 11.04%	2.21%	26,986 11.19	3.36	126,665 10.82	2.71	18.2375 10.85%	2.71%	10.99	247,100.50
Franklin & Hampshire	203,130 3.54%	.71%	3,644 1.51	.45	39,186 3.35	.84	6.2375 3.71%	.93%	2.93	126,603.50
Hampden	443,018 7.72%	1.54%	18,576 7.70	2.31	88,828 7.59	1.90	13.4875 8.02%	2.01%	7.76	198,812.00
Middlesex	1,367,034 23.83%	4.77%	42,520 17.63	5.29	246,286 21.04	5.26	31.13125 18.52%	4.63%	19.95	381,052.50
Norfolk	606,587 10.57%	2.11%	18,147 7.52	2.26	105,318 9.00	2.25	12.10 7.20%	1.80%	8.42	208,679.00
Plymouth	405,437 7.07%	1.41%	11,996 4.97	1.49	91,936 7.85	1.96	11.7375 6.98%	1.75%	6.61	181,619.50
Suffolk	650,142 11.33%	2.27%	68,977 28.60	8.58	149,633 12.78	3.20	32.3525 19.24%	4.81%	18.86	364,757.00
Worcester	646,352 11.27%	2.25%	19,525 8.09	2.43	192,913 16.48	4.12	18.7375 11.15	2.79%	11.59	256,070.50
TOTAL DISTRIBUTION										**2,406,248.50**

FISCAL YEAR 1987 VICTIM/WITNESS ALLOCATIONS

COUNTY	SUBSIDIARY	JULY 1986*	JANUARY 1987	FISCAL YEAR TOTAL
Barnstable Account # 0340-1030	02 - Salaries	$ 58,750	$ 58,750	$ 117,500
	10 - Travel	1,650	1,650	3,300
	14 - Office, Admin. Expenses	3,661	3,660	7,321
	16 - Rentals	8,200	—	8,200
	TOTAL	$ 72,261	$ 64,060	$ 136,321
Berkshire Account # 0340-1130	02 - Salaries	$ 36,360	$ 36,360	$ 72,720
	03 - Services, Non-Employee	3,100	2,100	5,200
	10 - Travel	3,250	3,250	6,500
	11 - Advertising, Printing	1,250	1,250	2,500
	12 - Maintenance	1,310	452	1,762
	13 - Special Supplies	642	1,599	2,241
	14 - Office, Admin. Expenses	8,000	---	8,000
	15 - Equipment	1,683	4,083	5,766
	16 - Rentals	6,300	5,000	11,300
	TOTAL	$ 61,895	$ 54,094	$ 115,989
Bristol Account # 0340-0930	02 - Salaries	$ 87,450	$ 87,450	$ 174,900
	10 - Travel	4,737	4,737	9,475
	11 - Advertising, Printing	785	784	1,569
	14 - Office, Admin. Expenses	1,650	1,650	3,300
	TOTAL	$ 94,623	$ 94,621	$ 189,244

* Breakdown after intersubsidiary transfers

COUNTY	SUBSIDIARY	JULY 1986*	JANUARY 1987	FISCAL YEAR TOTAL
Essex	02 - Salaries	$ 98,105	$ 98,105	$ 196,210
Account #	03 - Services, Non-Employee	23,000	23,000	46,000
0340-0330	10 - Travel	1,446	1,445	2,891
	14 - Office, Admin. Expenses	1,000	1,000	2,000
	TOTAL	$ 123,551	$ 123,550	$ 247,101
Franklin/Hampshire	02 - Salaries	$ 56,850	$ 56,850	$ 113,700
Account #	03 - Services, Non-Employee	3,606	---	3,606
0340-0630	10 - Travel	1,326	2,241	3,567
	11 - Advertising, Printing	490	495	985
	14 - Office, Admin. Expenses	1,030	1,520	2,550
	15 - Equipment	---	2,196	2,196
	TOTAL	$ 63,302	$ 63,302	$ 126,604
Hampden	02 - Salaries	$ 86,000	$ 79,000	$ 165,000
Account #	03 - Services, Non-Employee	5,500	12,500	18,000
0340-0530	10 - Travel	3,000	3,000	6,000
	11 - Advertising, Printing	1,000	1,000	2,000
	13 - Special Supplies	1,500	1,500	3,000
	14 - Office, Admin. Expenses	1,906	1,906	3,812
	15 - Equipment	500	500	1,000
	TOTAL	$ 99,406	$ 99,406	$ 198,812
Middlesex	02 - Salaries	$ 90,000	$ 112,000	$ 202,000
Account #	03 - Services, Non-Employee	48,280	26,279	74,559
0340-0230	10 - Travel	15,768	15,767	31,535
	11 - Advertising, Printing	8,408	8,407	16,815
	14 - Office, Admin. Expenses	18,922	18,921	37,843
	15 - Equipment	2,891	2,891	5,782
	16 - Rentals	6,260	6,259	12,519
	TOTAL	$ 190,529	$ 190,524	$ 381,053

COUNTY	SUBSIDIARY	JULY 1986*	JANUARY 1987	FISCAL YEAR TOTAL
Norfolk Account # 0340-0730	02 - Salaries	$ 86,750	$ 86,750	$ 173,500
	08 - Heat	750	750	1,500
	10 - Travel	3,500	3,500	7,000
	11 - Advertising, Printing	1,800	1,800	3,600
	14 - Office, Admin. Expenses	5,900	5,900	11,800
	15 - Equipment	1,040	1,039	2,079
	16 - Rentals	4,600	4,600	9,200
	TOTAL	$ 104,340	$ 104,339	$ 208,679
Plymouth Account # 0340-0830	02 - Salaries	$ 86,350	$ 86,350	$ 172,700
	10 - Travel	1,000	1,000	2,000
	11 - Advertising, Printing	1,000	1,000	2,000
	14 - Office, Admin. Expenses	2,460	2,460	4,920
	TOTAL	$ 90,810	$ 90,810	$ 181,620
Suffolk Account # 0340-0130	02 - Salaries	$ 141,250	$ 130,865	$ 272,115
	03 - Services, Non-Employee	4,000	3,015	7,015
	08 - Heat	4,000	---	4,000
	10 - Travel	8,500	---	8,500
	11 - Advertising, Printing	2,500	---	2,500
	12 - Maintenance	1,250	6,250	7,500
	13 - Special Supplies	3,000	1,000	4,000
	14 - Office, Admin. Expenses	8,100	900	9,000
	15 - Equipment	5,625	29,752	35,377
	16 - Rentals	14,750	---	14,750
	TOTAL	$ 192,975	$ 171,782	$ 364,757

* Breakdown after intersubsidiary transfers